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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Eleventh Year of the Reign of His Majesty KING GEORGE VI

[1947]

Being the Third Session of the Twenty-Second Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE SIXTH DAY OF MARCH IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN



ONTARIO

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5.3.48

HIS HONOUR RAY LAWSON, LIEUTENANT-GOVERNOR

TORONTO
Printed and Published by Baptist Johnston, Printer to the King's Most Excellent Majesty
1947

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PART I
PUBLIC ACTS
Chapters 1 to 119

ONTARIO

11 GEORGE VI

CHAPTER 1.

An Act to amend The Administration of Justice Expenses Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Administration of Justice Expenses Act* is amended by striking out the symbol and figure "$4" in the fourth line and inserting in lieu thereof the symbol and figure "$7", so that the said subsection shall now read as follows: Rev. Stat., c. 141, s. 11, subs. 1, amended.

(1) Every local registrar, and deputy registrar, and every officer authorized to act as local registrar, or deputy registrar, shall be entitled to be paid out of the Consolidated Revenue Fund, $7 for each day's attendance at non-jury as well as at jury sittings. Fees for attending sittings for trial.

2. This Act shall come into force on the 1st day of April, 1947. Commencement of Act.

3. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1947*. Short title.

CHAPTER 2.

An Act respecting the Artificial Insemination of Domestic Animals.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "artificial insemination" shall mean the depositing of semen in the vagina of a female domestic animal by a means other than the natural method; "artificial insemination";

(*b*) "artificial insemination centre" shall mean an establishment where semen is collected for purposes of artificial insemination; "artificial insemination centre";

(*c*) "Board" shall mean The Artificial Insemination Advisory Board; "Board";

(*d*) "Commissioner" shall mean Live Stock Commissioner; "Commissioner";

(*e*) "licence" shall mean a licence under this Act; "licence";

(*f*) "Minister" shall mean Minister of Agriculture; and "Minister";

(*g*) "technician" shall mean a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination. "technician".

2. The Commissioner shall be responsible to the Minister for the administration and enforcement of this Act. Commissioner to be in charge.

3.—(1) There shall be a board to be known as The Artificial Insemination Advisory Board which shall act in an advisory capacity to the Minister and the Commissioner. Advisory Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. Constitution of Board.

Chairman.

(3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members.

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Regulations.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

(*a*) prescribing the powers and duties of the Board;

(*b*) providing for the issue of licences for the operation of artificial insemination centres and to technicians and for the renewal, refusal, suspension and revocation thereof;

(*c*) prescribing the form of licences and the fees payable therefor;

(*d*) prescribing requirements and minimum standards for artificial insemination centres;

(*e*) prescribing the qualifications of technicians;

(*f*) providing for grants for artificial insemination centres;

(*g*) providing for the keeping of records and the making of returns or the furnishing of information by artificial insemination centres and technicians;

(*h*) exempting any person from the provisions of the Act or regulations or any portion thereof; and

(*i*) generally for the better carrying out of the provisions of this Act.

Penalties.

5.—(1) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than $10 and not exceeding $50 for a first offence and to a penalty of not less than $50 and not exceeding $200 for a subsequent offence.

Recovery of penalties. Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act.*

Short title.

6. This Act may be cited as *The Artificial Insemination Act, 1947.*

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 3.

An Act to amend The Assessment Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *b* and *f* of section 1 of *The Assessment Act* are repealed. Rev. Stat., c. 272, s. 1, cls. *b*, *f*, repealed.

(2) Subclause v of clause *i* of the said section 1 is amended by striking out the words "railway, electric railway, tramway or street railway" in the fourth and fifth lines and inserting in lieu thereof the words "transportation system", so that the said subclause shall now read as follows: Rev. Stat., c. 272, s. 1, cl. *i*, subcl. v, amended.

(v) All structures and fixtures erected or placed upon, in, over, under, or affixed to any highway, lane, or other public communication or water; but not the rolling stock of any transportation system.

2. Section 2 of *The Assessment Act* is amended by striking out the words "income and" in the third line, so that the said section shall now read as follows: Rev. Stat., c. 272, s. 2, amended.

2. All municipal, local or direct taxes or rates shall where no other express provision is made be levied upon the whole of the assessment for real property, business or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. All taxes to be levied equally upon all assessments.

3.—(1) Subsection 1 of section 3 of *The Assessment Act* is amended by striking out the words "Subject to the provisions of subsection 2" at the commencement thereof and by striking out the words "income and" in the tenth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 3, subs. 1, amended.

(1) Wherever in *The Municipal Act*, or in any other general or special Act of this Legislature or in any by-law passed under any such Act, the yearly rates Rateable property, what to include. Rev. Stat., c. 266.

or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under this Act.

Rev. Stat., c. 272, s. 3, subss. 2, 3, repealed.

(2) Subsections 2 and 3 of the said section 3 are repealed.

Rev. Stat., c. 272, s. 4, amended.

4.—(1) Section 4 of *The Assessment Act* is amended by striking out the words "and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation" in the first, second and third lines, so that the said section, exclusive of the paragraphs, shall now read as follows:

Taxable property and exemptions.

4. All real property in Ontario shall be liable to taxation, subject to the following exemptions:

. . . . . .

Rev. Stat., c. 272, s. 4, pars. 12, 16, repealed.

(2) Paragraphs 12 and 16 of the said section 4 are repealed.

Rev. Stat., c. 272, s. 4, par. 17, amended.

(3) Paragraph 17 of the said section 4 is amended by striking out the words "railway company" in the sixth line and inserting in lieu thereof the words "transportation system", and by striking out the words "tramway or street railway" in the eleventh line and inserting in lieu thereof the words "or transportation system", so that the said paragraph shall now read as follows:

Machinery.

17. All fixed machinery used for manufacturing or farming purposes, including the foundations on which the same rests; but not fixed machinery used, intended or required for the production or supply of motive power including boilers and engines, gas, electric and other motors, nor machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat., c. 272, s. 4, pars. 18, 19, 20, 21, repealed.

(4) Paragraphs 18, 19, 20 and 21 of the said section 4 are repealed.

(5) The first nine lines of paragraph 22 of the said section 4, as re-enacted by subsection 4 of section 1 of *The Assessment Amendment Act, 1946*, are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, par. 22, amended.

22. One acre used for foresty purposes or being woodlands for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes or being woodlands or being partly woodlands to the total acreage of all parcels used or partly used for forestry purposes or being woodlands or being partly woodlands. "Woodlands".

5. Section 5 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 5, repealed.

6. Subsection 1 of section 8 of *The Assessment Act*, as amended by section 2 of *The Assessment Amendment Act, 1946*, is further amended by inserting after the word "of" in the second line the words "or in connection with", so that the first six lines of the said subsection shall now read as follows: Rev. Stat., c. 272, s. 8, subs. 1, amended.

(1) Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows: Business assessment.

. . . . . .

7. Sections 9, 10 and 11 of *The Assessment Act* are repealed. Rev. Stat. c. 272. ss. 9, 10, 11, repealed.

8. Subsection 13 of section 12 of *The Assessment Act* is amended by striking out the words "and not income assessment" in the third and fourth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 12, subs. 13, amended.

(13) Notwithstanding the provisions of subsection 11, the assessment of a telephone company or telegraph company under this section shall be deemed to be real property assessment, and the taxes payable by any such company shall be a lien upon all the lands of the company in the municipality. Real property assessment.

Rev. Stat., c. 272, s. 13, subs. 2, amended.

9. Subsection 2 of section 13 of *The Assessment Act* is amended by striking out the words "in the same manner as assessment returns are required by section 18 to be verified" in the second and third lines and inserting in lieu thereof the words "by an affidavit attached thereto made by an officer of the company having knowledge of the facts", so that the said subsection shall now read as follows:

Verifying statement.

(2) Every such statement shall be signed by or on behalf of the company and shall be verified by an affidavit attached thereto made by an officer of the company having knowledge of the facts.

Rev. Stat., c. 272, s. 16, amended.

10. Section 16 of *The Assessment Act* is amended by adding thereto the following subsection:

Right of access.

(2) The assessors shall have free access at all reasonable times and upon reasonable request made to all parts of every building or other premises for the purpose of enabling them to properly assess the same.

Rev. Stat., c. 272, s. 17, subs. 2, repealed.

11. Subsection 2 of section 17 of *The Assessment Act* is repealed.

Rev. Stat., c. 272, ss. 18, 19, 20, repealed.

12. Sections 18, 19 and 20 of *The Assessment Act* are repealed.

Rev. Stat., c. 272, s 21, subs. 1, amended.

13.—(1) Subsection 1 of section 21 of *The Assessment Act* is amended by striking out the words and figures "sections 16 to 20" in the second line and inserting in lieu thereof the words and figures "section 16 or 17", so that the said subsection shall now read as follows:

Assessor not bound by returns.

(1) The assessor shall not be bound by any statement delivered under section 16 or 17, nor shall the same excuse him from making due inquiry to ascertain its correctness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land.

Rev. Stat., c. 272, s. 21, subss. 2, 3 repealed.

(2) Subsections 2 and 3 of the said section 21 are repealed.

Rev. Stat., c. 272, s. 22, subs. 1, amended.

14. Subsection 1 of section 22 of *The Assessment Act* is amended by striking out the words "having been duly required to deliver or furnish any written statement or information mentioned in sections 16 to 21" in the first, second and third lines and inserting in lieu thereof the words and figures "having been required to furnish information under section 16 or 17", so that the said subsection shall now read as follows:

(1) Every person who, having been required to furnish information under section 16 or 17, makes default in delivering or furnishing the same and any corporation which makes default in delivering the statement mentioned in section 13, shall incur a penalty not exceeding $100 and an additional penalty of $10 for each day during which default continues. Penalty for not furnishing information.

15. Subsection 3 of section 23 of *The Assessment Act* is amended by striking out "Column 21.—Amount of income taxable under sections 9 to 11". Rev. Stat., c. 272, s. 23, subs. 3, amended.

16.—(1) Subsection 1 of section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946*, is amended by inserting at the commencement thereof the words and figures "Notwithstanding paragraph 1 of section 4", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 38, subs. 1 (1946, c. 3, s. 6), amended.

(1) Notwithstanding paragraph 1 of section 4, the tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person. Assessment of Crown lands.

(2) This section shall be deemed to have come into force on the 5th day of April, 1946. Retrospective effect.

17.—(1) Subsection 6 of section 39 of *The Assessment Act* is amended by striking out the words "income of a corporation" in the first line and inserting in lieu thereof the word "profits" and by striking out the words "income from" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 39, subs. 6, amended.

(6) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least $20. Profits from mines.

(2) The first four lines of subsection 9 of the said section 39, as re-enacted by section 3 of *The Assessment Amendment Act, 1939*, are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subs. 9, amended.

(9) Notwithstanding anything in this section contained, the tax payable to a municipality upon a mine or Tax on mine, etc., to be approved by Department.

 mining

Rev. Stat., c. 28.

mining work liable to taxation under section 4 of *The Mining Tax Act* shall be subject to the approval of the Department and shall not exceed,—

. . . . . .

Rev. Stat., c. 272, s. 39, amended.

(3) The said section 39 is amended by adding thereto the following subsection:

Distribution of taxes.

(9*a*) The taxes payable in accordance with subsection 6 or 9 shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way and in the same ratio.

Rev. Stat., c. 272, s. 39, subs. 11, amended.

(4) Subsection 11 of the said section 39 is amended by striking out the word "income" in the second and third lines and inserting in lieu thereof the word "profits" and by striking out the words "and not income assessment" in the fourth and fifth lines and by striking out the word "corporation" in the seventh line and inserting in lieu thereof the word "person", so that the said subsection shall now read as follows:

Mine assessment to be regarded as for real property.

(11) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of profits from a mine or mineral work or mining work under this section shall be deemed to be real property assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the person liable for payment of such taxes.

Rev. Stat., c. 272, s. 73, subs. 16, repealed.

18. Subsection 16 of section 73 of *The Assessment Act* is repealed.

Rev. Stat., c. 272, s. 84, subs. 4 (1946, c. 3, s. 21, subs. 2), amended.

19. Subsection 4 of section 84 of *The Assessment Act*, as re-enacted by subsection 2 of section 21 of *The Assessment Amendment Act, 1946*, is amended by inserting after the word "sent" in the second line the words "by the party appealing" and by inserting after the word "thereof" in the third line the words "and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given", so that the said subsection shall now read as follows:

Notice of appeal.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-

one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

20. Subsection 3 of section 89*a* of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by striking out the words "or income" in the tenth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 89*a*, subs. 3 (1940, c. 1, s. 5), amended.

(3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within twenty days after the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice. Complaint to court of revision.

21.—(1) Subsection 1 of section 98 of *The Assessment Act*, as amended by section 14 of *The Assessment Amendment Act, 1944*, is further amended by striking out all the words after the word "contained" in the second line down to and including the word "and" in the seventh line and by striking out the word "only" in the tenth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 98, subs. 1, amended.

(1) Notwithstanding anything in this Act or any other special or general Act contained, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments in the county. County rate.

(2) Subsection 2 of the said section 98 is amended by striking out the words "assessments of income" in the fifth and sixth lines and inserting in lieu thereof the words "business assessments", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 98, subs. 2, amended.

(2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the same shall in the local municipality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof. Local municipality to levy county rates on all rateable property.

Rev. Stat., c. 272, s. 100, subs. 3, amended.

22.—(1) Subsection 3 of section 100 of *The Assessment Act* is amended by striking out the words "or income" in the third line, so that the said subsection shall now read as follows:

Liability for taxes on business in case of death or change of residence.

Rev. Stat., c. 266.

(3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 125, every person assessed in respect of business upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat., c. 272, s. 100, subs. 4, repealed.

(2) Subsection 4 of the said section 100 is repealed.

Rev. Stat., c. 272, s. 113, subs. 4 (1946, c. 3, s. 24, subs. 3), amended.

23. Subsection 4 of section 113 of *The Assessment Act*, as re-enacted by subsection 3 of section 24 of *The Assessment Amendment Act, 1946*, is amended by striking out the words "and a similar discount for such similar period prior thereto" in the ninth and tenth lines and inserting in lieu thereof the words "and similar discounts for additional similar periods prior thereto", so that the said subsection shall now read as follows:

Discount for payment in advance.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and similar discounts for additional similar periods prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

Rev. Stat., c. 272, s. 123, repealed.

24. Section 123 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act, 1939*, is repealed.

Rev. Stat., c. 272, s. 124, subs. 2, amended.

25. Subsection 2 of section 124 of *The Assessment Act* is amended by inserting after the word "in" in the fourth line the word "the" and by striking out the word "three" in the ninth line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

(2) Any such by-law shall provide for the time when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in the manner provided by this Act upon the return of such assessment roll to the clerk, and the time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision is given. Procedure.

26. Section 126 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 126, amended.

(4) When the auditor gives a verification notice to each person mentioned in subsection 2, the clerk or treasurer shall not be obliged to comply with subsection 2 or 3, as the case may be. Verification notice.

27. Section 127 and section 128 as amended by section 10 of *The Assessment Amendment Act, 1939*, of *The Assessment Act* are repealed. Rev. Stat., c. 272, ss. 127, 128, repealed.

28. Subsection 1 of section 129 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 129, subs. 1, re-enacted.

(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates described in the said collector's roll or by school trustees to be collected. Statement to be furnished to county treasurer.

29. Section 137 of *The Assessment Act* is amended by striking out the words and figures "sections 135 and 136" in the second line and inserting in lieu thereof the word and figures "section 135", so that the said section shall now read as follows: Rev. Stat., c. 272, s. 137, amended.

137. If, on an examination of the non-resident collector's roll or the return required under section 135 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 57. Proceedings where any land is found not to have been assessed.

Rev. Stat., c. 272, s. 161, subs. 1, re-enacted.

30.—(1) Subsection 1 of section 161 of *The Assessment Act* is repealed and the following substituted therefor:

Mode in which the lands shall be sold by the treasurer.

(1) If the full amount of the taxes for which the land was offered for sale has not been collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first, and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat., s. 272, s. 161, subs. 2, amended.

(2) Subsection 2 of the said section 161, as amended by subsection 1 of section 32 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words "arrears of taxes due" in the second line and inserting in lieu thereof the word "taxes" and by striking out the words "arrears of" in the thirteenth line, so that the said subsection shall now read as follows:

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell

such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat., c. 272, s. 161, subs. 3, re-enacted.

(3) Subsection 3 of the said section 161, as amended by subsection 2 of section 32 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Purchase by municipality.

(3) If the price offered for any land at the adjourned sale is less than the full amount of the taxes for which the land was offered for sale and the charges and costs, or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for

each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Rev. Stat., c. 272, s. 162, subs. 3, re-enacted.

31. Subsection 3 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 33 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Unclaimed balances.

(3) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed within six years after the sale, belong to the municipality absolutely.

Rev. Stat., c. 272, s. 178, subs. 6, amended.

32. Subsection 6 of section 178 of *The Assessment Act* is amended by striking out the words "and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of fifty cents" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents", so that the said subsection shall now read as follows:

Receipt of redemption.

(6) If under the provisions of subsection 3 a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents.

Rev. Stat., c. 272, s. 200, subs. 3, amended.

33. Subsection 3 of section 200 of *The Assessment Act* is amended by striking out the words "The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village" in the first, second, third and fourth lines and inserting in lieu thereof the words "The council of a county may by by-law declare that subsection 1 shall

thereafter apply to any township or village named in the by-law", so that the said subsection shall now read as follows:

(3) The council of a county may by by-law declare that subsection 1 shall thereafter apply to any township or village named in the by-law, and thereupon the powers conferred on cities and towns by section 199 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corporation of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1. County by-law extending application of section.

34. Forms 6 and 7 of *The Assessment Act* are repealed. Rev. Stat., c. 272, Forms 6, 7, repealed.

35. Notwithstanding any general or special Act, no income tax shall be assessed or levied by any municipality in the year 1947 or thereafter. No income tax by municipalities.

36.—(1) When the assessor did not complete the making of the assessment or did not return the roll or the roll was not revised or finally revised in the year 1946 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1947 shall be fixed and levied. Special provisions for 1947 taxation.

(2) When a municipality instead of making a second assessment in 1946 adopts for 1947 the assessment roll made and revised in 1946 under subsection 3 of section 13 of *The Assessment Amendment Act, 1946*, the council may by by-law notwithstanding section 59 of *The Assessment Act*, fix the dates for the revision and the final revision of the roll and the assessment so made shall when finally revised be the amount on which the rate of taxation for the year 1947 shall be fixed and levied. Idem.

(3) This section shall be deemed to have come into effect on the 5th day of April, 1946. Retrospective effect.

37. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

38. This Act may be cited as *The Assessment Amendment Act, 1947*. Short title.

CHAPTER 4.

The Athletics Control Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "Commissioner" shall mean Athletics Commissioner; "Commissioner";

(*b*) "Fund" shall mean the "Physical Fitness and Recreation Fund" established under this Act; "Fund";

(*c*) "Minister" shall mean the Provincial Treasurer; "Minister";

(*d*) "person" shall include corporation, association, club and any unincorporated organization; and "person";

(*e*) "professional contest or exhibition" shall mean a professional contest or exhibition of baseball, bicycle riding, boxing, dancing, golf, hockey, jaialai, lacrosse, motor-cycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating, whether speed skating or figure skating, soccer, swimming, tennis or wrestling and a professional contest or exhibition of any other sport or game designated by the Lieutenant-Governor in Council. 1939, c. 4, s. 1, *amended*. "professional contest or exhibition";

2. The administration of this Act shall be under the direction and control of the Minister. 1939, c. 4, s. 2 (3), *amended*. Direction and control.

3. There shall be an Athletics Commissioner who shall be appointed by the Lieutenant-Governor in Council. *New*. Athletics Commissioner.

4.—(1) Every person conducting a professional contest or exhibition shall pay to the Minister an amount,— Tax on gross receipts.

(*a*) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;

(*b*) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition,

of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council.

Reduction of tax.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the Minister may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Remission of tax.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the Minister by registered mail, the amount payable under the provisions of subsection 1.

Penalty.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act*. 1939, c. 4, s. 9, *amended*.

Rev. Stat., c. 136.

Investigation—professional boxing and wrestling.

5.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a licence as herein provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the Minister may direct the Commissioner or any other person to hold an investigation into such charges.

Impounding and forfeiture.

(2) The Minister may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the Minister and shall be impounded pending the result of the investigation, and if such charges are held by the Minister to have been proven, the Minister may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of His Majesty in right of Ontario. 1939, c. 4, s. 11, *part*, *amended*.

6. Where any branch of the Amateur Athletic Union of Canada in Ontario or any league or body connected with amateur sport operating in Ontario, requests the Minister to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in Ontario, the Minister may direct the Commissioner or any other person to hold an investigation. 1939, c. 4, s. 12, *amended.* Investigation,—amateur sports.

7. For the purposes of an investigation under section 5 or 6, the Commissioner or other person holding such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act.* 1939, c. 4, ss. 11, 12, *part*, *amended.* Powers on investigation. Rev. Stat., c. 19.

8. There shall be a fund to be known as the "Physical Fitness and Recreation Fund" and there shall be kept on the books of the Minister an account to be known as the "Physical Fitness and Recreation Fund Account." *New.* Physical Fitness and Recreation Fund.

9. The moneys received by the Minister under section 4 together with all moneys received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Fund. *New.* Payment into Fund.

10.—(1) At the end of each fiscal year, the Minister shall fix the amount of all expenditures incurred during the preceding fiscal year for the administration of this Act and shall pay such amount out of the Fund into the Consolidated Revenue Fund. Reimbursement of Consolidated Revenue Fund.

(2) From time to time, the Minister, upon the recommendation of the Minister of Education, may expend the balance of the Fund or any part thereof for the purposes of any programme of training in physical fitness under regulations made pursuant to subsection 2 of section 4 of *The Department of Education Act.* *New.* Expenditures for physical fitness programme. Rev. Stat., c. 356.

11.—(1) Where moneys payable to the Minister under this Act or the regulations in respect of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling are not received by the Minister within one week of the holding of such contest or exhibition, the Minister may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the Minister. Prohibiting use of building.

Penalty.

(2) Where notice in writing of a direction made under subsection 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than $20 nor more than $100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction. 1939, c. 4, s. 14, *amended*.

Rev. Stat., c. 136.

Contracts to manage professional boxers and wrestlers.

12. A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved by the Commissioner and the Commissioner may at any time, by notice in writing to the parties, revoke any approval given by him and thereupon the contract or agreement shall for all purposes be deemed null and void and of no effect. 1939, c. 4, s. 16, *amended*.

Regulations.

13.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(*a*) prescribing the powers and duties of the Commissioner;

(*b*) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibitions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;

(*c*) providing for the issuing of licences and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licences and the cancellation of such permits;

(*d*) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licences;

(*e*) providing for the payment of fees for licences and permits and the manner of collecting such fees;

(*f*) providing for payment to the Minister of a fee or charge by way of a licence fee or otherwise in respect

of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge;

(*g*) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levying of fines or other pecuniary penalties against persons who are the holders or who by regulation are required to be the holders of other classes of licences issued under this Act, for violations of this Act or the regulations;

(*h*) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers;

(*i*) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;

(*j*) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis;

(*k*) prescribing the rights, powers and duties which the Minister and his officials shall have, exercise and perform in connection with professional contests and exhibitions;

(*l*) defining "amateur" and "professional" for the purposes of this Act and the regulations; and

(*m*) generally for the better carrying out of the provisions of this Act.

Penalty.

(2) Every person who conducts or participates in conducting or holding a boxing or wrestling contest or exhibition without having received any licence required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than $20, nor more than $1,000, recoverable under *The Summary Convictions Act*. 1939, c. 4, s. 10, *amended*.

Real property of Ontario Athletic Commission.

14.—(1) All real property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be the property of His Majesty in right of Ontario represented by the Minister of Public Works.

Personal property of Ontario Athletic Commission.

(2) All personal property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be

be the property of His Majesty in right of Ontario represented by the Minister. *New.*

1939, c. 4, repealed.

15. *The Athletic Commission Act, 1939*, is repealed.

Commencement of Act.

16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as *The Athletics Control Act, 1947*.

CHAPTER 5.

An Act to amend The Audit Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 2 of *The Audit Act* is amended by striking out the symbol and figures "$7,500" in the third line and inserting in lieu thereof the words, symbol and figures "not less than $6,000", so that subsection 1 of the said section shall now read as follows: Rev. Stat., c. 24, s. 2, amended.

(1) The Lieutenant-Governor in Council may appoint an officer to be called the "Auditor", who shall be paid a salary of not less than $6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund. Provincial Auditor,—appointment of.

(2) The said section 2 is further amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 2, amended.

(2) The salary of the Auditor shall not be reduced except on address of the Assembly. Salary.

2. Section 35 of *The Audit Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 35, re-enacted.

35. The Treasurer of Ontario is authorized to pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the King's Printer, but the amount of such deliveries remaining on hand and in course of distribution shall not exceed in any fiscal year the sum of $350,000. Authority for payment of accounts for printing, stationery, etc.

3. This Act shall come into force on the 1st day of April, 1947. Commencement of Act.

4. This Act may be cited as *The Audit Amendment Act, 1947*. Short title.

CHAPTER 6.

An Act to amend The Auxiliary Classes Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Auxiliary Classes Act* is amended by adding at the commencement thereof the words "Subject to the regulations," so that the said section shall now read as follows: Rev. Stat., c. 358, s. 2, amended.

2. Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the ordinary public or separate schools courses. Classes which may be established.

2. *The Auxiliary Classes Act* is amended by adding thereto the following section: Rev. Stat., c. 358, amended.

2*a*. A public, separate or high school board or board of education of a municipality having a population of over 50,000, may establish oral day classes to accommodate all the deaf children within its jurisdiction, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, provided that any child who is under eleven years of age on the 1st day of September in any year may, subject to the regulations respecting admission thereto, attend The Ontario School for the Deaf. Classes for deaf children. Proviso.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947. Commencement of Act.

4. This Act may be cited as *The Auxiliary Classes Amendment Act, 1947*. Short title.

CHAPTER 7.

An Act to amend The Bread Sales Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Bread Sales Act* is amended by striking out the words "twenty-four ounces" in the third line and inserting in lieu thereof the words "sixteen, twenty-four", so that the said subsection shall now read as follows: Rev. Stat., c. 305, s. 4 subs. 1, amended.

(1) Except as provided in subsection 2, no person shall make bread for sale or sell or offer for sale bread except in loaves weighing sixteen, twenty-four or forty-eight ounces avoirdupois. Weight of bread.

2. This Act may be cited as *The Bread Sales Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 8.

An Act to provide for the Establishment of the Broker-Dealers' Association.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

(*a*) "Association" shall mean The Broker-Dealers' Association of Ontario; and "Association";

(*b*) "Board" shall mean Board of Governors of the Association. "Board".

Association,—establishment of.

2. There shall be an association to be known as "The Broker-Dealers' Association of Ontario" which shall be a body corporate.

Board of Governors.

3.—(1) The Board of Governors of the Association shall be elected by the members of the Association in the manner prescribed by the regulations.

Members of first Board,—appointment.

(2) The Lieutenant-Governor in Council may appoint the members of the first Board.

Borrowing power.

4. The Board may borrow money upon the credit of the Association in such amounts and upon such terms as may be deemed necessary by the Board.

Regulations.

5.—(1) Subject to the approval of the Ontario Securities Commission, the Board may make regulations,—

(*a*) prescribing the number of members which shall constitute the Board and the term of office of the members of the Board;

(*b*) providing for the holding of elections of members of the Board, including the time and manner of nominating candidates and voting thereat;

(*c*) prescribing the powers and duties of the Board;

(*d*) prescribing the qualifications of members of the Association and the manner of obtaining membership in the Association;

(*e*) prescribing different classes of membership in the Association;

(*f*) providing for and prescribing membership and other fees and assessments which shall be payable to the Association by the members or any class of members thereof;

(*g*) regulating the manner of carrying on business by members of the Association;

(*h*) prescribing a code of ethics to be observed by members of the Association and defining unethical conduct;

(*i*) providing for the suspension and expulsion from membership in the Association and other disciplinary measures including the imposition of money penalties, against members of the Association, for violations of the regulations and unethical conduct;

(*j*) providing for the auditing of the books and accounts of members of the Association;

(*k*) providing for the investigation of the affairs of members of the Association and of the manner in which a member of the Association is conducting his business, either generally or in relation to specific transactions;

(*l*) providing for an allowance for expenses for the members of the Board;

(*m*) providing for the employment of such persons as may be deemed necessary;

(*n*) providing for the payment of the expenses of the Association out of the funds of the Association; and

(*o*) generally for the better carrying out of the provisions of this Act.

Regulations not to affect non-members.

(2) No regulation made under this Act shall interfere with the right of any person, other than a member of the Association, to carry on business as a broker or dealer in securities or otherwise.

6.—(1) A person who is not a member of the Association shall not, orally or in writing, state that he is or hold himself out as being a member of the Association. False representation.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty not exceeding $100 recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

8. This Act may be cited as *The Broker-Dealers Act, 1947*. Short title.

CHAPTER 9.

An Act to amend The Burlington Beach Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Burlington Beach Act* is repealed. Rev. Stat., c. 95, s. 12, subs. 3, repealed.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Burlington Beach Amendment Act, 1947.* Short title.

CHAPTER 10.

An Act to prevent the Improper Removal of Business Records from Ontario.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Business records not to be taken from Ontario.

1. No person shall pursuant to or under or in a manner which would be consistent with compliance with any requirement, order, direction or subpoena of any legislative, administrative or judicial authority in any jurisdiction outside of Ontario, take or cause to be taken, send or cause to be sent or remove or cause to be removed from a point within Ontario to a point outside of Ontario, any account, balance sheet, profit and loss statement or inventory or any résumé or digest thereof or any other record, statement, report or material in any way relating to any business carried on in Ontario unless such taking, sending or removal,—

(*a*) is consistent with and forms part of a regular practice of furnishing to a head office or parent company or organization outside of Ontario material relating to a branch or subsidiary company or organization carrying on business in Ontario; or

(*b*) is provided for by or under any law of Ontario or of the Parliament of Canada.

Undertaking and recognizance.

2.—(1) Where the Attorney General or any person having an interest in a business as mentioned in section 1 has reason to believe that a requirement, order, direction or subpoena as mentioned in section 1 has been or is likely to be made, issued or given in relation to such business, he may apply to a judge or local judge of the Supreme Court in chambers for an order requiring any person, whether or not such person is named in the requirement, order, direction or subpoena, to furnish an undertaking and recognizance for the purpose of ensuring that such person will not violate the provisions of section 1 and the judge may make such order as he may deem proper.

Contempt of court.

(2) Every person who, having received notice of an application under this section, violates this Act shall be deemed to be in contempt of court and liable to one year's imprisonment.

Idem.

(3) Every person required to furnish an undertaking or recognizance who violates this Act shall be in contempt of court and in addition to any penalty provided by the recognizance shall be liable to one year's imprisonment.

Procedure.

3. The practice and procedure of the Supreme Court shall apply to every application made under this Act.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Business Records Protection Act, 1947*.

CHAPTER 11.

An Act to amend The Charitable Institutions Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act* is repealed. Rev. Stat., c. 381, s. 1, cl. *c*, repealed.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 1, cl. *d*, re-enacted.

(*d*) "Minister" shall mean the Minister of Public Welfare. "Minister".

2. Section 6 of *The Charitable Institutions Act* is repealed. Rev. Stat., c. 381, s. 6, repealed.

3. Section 8 of *The Charitable Institutions Act* is amended by striking out the words "receiving provincial aid" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 381, s. 8, amended.

8. No by-law, rule or regulation of any charitable institution shall have force or effect until the same is approved by the Lieutenant-Governor in Council. Approval of by-laws, etc.

4. This Act may be cited as *The Charitable Institutions Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 12.

The Cheese and Hog Subsidy Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, *The Cheese and Hog Subsidy Act, 1945*, or *The Cheese and Hog Subsidy Act, 1946*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1948. 1941, c. 11, continued in force. 1942, c. 6; 1943, c. 3; 1944, c. 8; 1945 (2nd Sess.), c. 1; 1946, c. 8.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1947. Commencement of Act.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1947*. Short title.

CHAPTER 13.

An Act to amend The Children's Protection Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 312, s. 6, re-enacted.

6. The local superintendent and any member of the staff of a children's aid society who has been designated by the Board, may act as a probation officer for the purpose of enforcing the provisions of this Act and of *The Training Schools Act, 1939.* Probation officers. 1939, c. 51.

2. Subsection 1 of section 10 of *The Children's Protection Act* is amended by striking out all the words after the word "compensation" in the ninth and tenth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 312, s. 10, subs. 1, amended.

(1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid society the judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation. Order for maintenance by municipality.

3. This Act may be cited as *The Children's Protection Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 14.

The Collection Agencies Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,— Interpretation,—

(*a*) "collection agency" shall mean a person, other than a collector, who carries on the business of collecting debts for other persons in consideration of the payment of a commission or other remuneration, and shall include a person who takes an assignment of debts in consideration of such payment; 1939, c. 7, s. 1, cl. *a*, *amended*. "collection agency";

(*b*) "collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency; 1939, c. 7, s. 1, cl. *b*. "collector";

(*c*) "licence" shall mean licence issued under this Act; *New*. "licence";

(*d*) "prescribed" shall mean prescribed by this Act or the regulations; "prescribed";

(*e*) "regulations" shall mean regulations made under this Act; 1939, c. 7, s. 1, cls. *d*, *e*. "regulations";

(*f*) "registrar" shall mean the person designated by the Superintendent to act as registrar for the purposes of this Act and the regulations; 1939, c. 7, s. 1, cl. *f*; 1946, c. 9, s. 1. "registrar";

(*g*) "Superintendent" shall mean the Superintendent of Insurance. 1946, c. 9, s. 2. "Superintendent".

ADMINISTRATION.

Superintendent to administer Act.

2. The Superintendent shall administer this Act and the regulations and may designate a person to act as registrar. 1939, c. 7, s. 2; 1946, c. 9, s. 1.

LICENSING.

Agency, branch office and collector to be licensed.

3. No person shall,—

(*a*) carry on the business of a collection agency;

(*b*) operate a branch office of a collection agency; or

(*c*) carry on business as a collector,

except under a licence therefor. 1939, c. 7, s. 3, *amended.*

Application for licence as collection agency.

4.—(1) Every application for a licence as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

(*a*) the prescribed fee;

(*b*) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;

(*c*) copies of forms and letters which the collection agency uses or proposes to use in making demands for the collection of money; and

(*d*) a bond in such amount and form, subject to section 12, as may be prescribed by the regulations. 1939, c. 7, s. 5 (1); 1941, c. 12, s. 1, *amended.*

Type of bond.

(2) The bond shall be,—

Rev. Stat., c. 263.

(*a*) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*;

(*b*) a personal bond accompanied by collateral security; or

(*c*) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. *New.*

Application for licence as collector.

5. Every application for a licence as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require. 1939, c. 7, s. 6.

Licences.

6.—(1) The Superintendent, upon the recommendation of the registrar, may issue a licence to any person,—

(*a*) to carry on business as a collection agency;

(*b*) carrying on business as a collection agency, to operate a branch office thereof; or

(*c*) to carry on business as a collector,

and every licence and renewal of licence shall expire on the 31st day of March in each year. 1939, c. 7, s. 6 (1); 1946, c. 9, s. 1, *amended*.

Renewal of licence.

(2) Any licence issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such licence or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a licence or any prior application for renewal, and be accompanied by the prescribed fee. 1939, c. 7, s. 7 (2), *amended*.

Licence may be refused.

(3) The Superintendent may refuse to issue or renew a licence and may suspend or cancel any licence. 1939, c. 7, s. 7 (3); 1946, c. 9, s. 1.

Refunds.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a licence or renewal any fee or part thereof paid by the applicant.

Reductions.

(5) The registrar may reduce the amount of any fee payable for a licence or renewal where any substantial part of the licence period or renewal period has elapsed. 1939, c. 7, s. 7 (4, 5).

Changes in information filed.

7.—(1) Every collection agency shall within ten days notify the registrar in writing of,—

(*a*) any change in its address for service;

(*b*) any change in its officials or members; and

(*c*) the commencement and termination of employment of every collector.

Notice as to employment.

(2) Every collector shall within ten days notify the registrar in writing of,—

(*a*) any change in his address for service; and

(*b*) the commencement and termination of his employment by a collection agency. 1939, c. 7, s. 8.

Changes in material filed.

8. In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used. 1939, c. 7, s. 5 (2).

Financial statement to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a licence, a certificate satisfactory to the Superintendent as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent accountant satisfactory to the Superintendent and, in addition thereto, the Superintendent may at any time require a financial statement in any form to be furnished by the collection agency. 1939, c. 7, s. 9; 1946, c. 9, s. 1.

Disposition of fees.

10. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund. 1939, c. 7, s. 12, *amended*.

EXEMPTIONS.

Where Act not to apply.

11. This Act shall not apply to,—

(*a*) any barrister or solicitor or his employee, in the regular practice of his profession;

(*b*) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such licence;

Rev. Stat., c. 256.

R.S.C., c. 11.

Rev. Stat., cc. 251, 100.

R.S.C., c. 213.

(*c*) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada) or any person acting under the order of any court;

1946, c. 85.

(*d*) any broker or salesman registered under *The Real Estate and Business Brokers Act, 1946*, or any official or other employee of such a broker to the extent of the business authorized by the registration;

1944-45, c. 30 (Can.).

Rev. Stat., c. 257.

(*e*) any bank to which *The Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or

(*f*) any isolated collections made by a person whose usual business is not collecting debts for other persons. 1939, c. 7, s. 4, *amended*.

FORFEITURE OF BOND.

12.—(1) Any bond mentioned in section 4 shall be forfeit and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,— Forfeiture of bond.

(*a*) the collection agency in respect of which the bond is given or any collector or official of the collection agency has, in connection with its collection business, been,

(i) convicted of any criminal offence,

(ii) convicted of an offence against any provision of this Act or the regulations, or

(iii) a party to civil proceedings in the courts as a result of which judgment has been given against such collection agency, collector or other official for moneys collected for any other person;

or,

(*b*) proceedings by or in respect of the collection agency, including any member of a partnership, in respect of which the bond is given, have been taken under the *Bankruptcy Act* (Canada) or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made, R.S.C., c. 11.

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1941, c. 12, s. 3, *part*, *amended*.

(2) A bond may be cancelled by any person bound thereunder by giving to the Superintendent at least two months' notice in writing of intention to cancel, and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Superintendent. Cancellation of bond.

(3) For the purposes of every act and omission occurring during the period in which a collection agency is licensed or the period prior to cancellation of the bond under subsection 2, Term of bond.

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the expiration or cancellation of any licence, or the cancellation of the bond, whichever occurs first. *New.*

Proceedings to enforce forfeiture.

13. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 12, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. *New.*

Sale of collateral security.

14. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 12, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Assignment of bond or payment of moneys to creditors.

15. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

(*a*) to assign any bond forfeited under section 12 and transfer the collateral security, if any;

(*b*) to pay over any moneys recovered under such bond; or

(*c*) to pay over any moneys realized from the sale of the collateral security under section 14,

to any person, or to the Accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the collection agency bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such collection agency, as the case may be. 1941, c. 12, s. 3, *part*, *amended.*

Where no claim against proceeds of bond.

16. Where a bond has been forfeited under section 12 by reason of a conviction or judgment under clause *a* thereof, and the Superintendent has not within two years of such conviction or judgment having become final, or of the collection agency in respect of which the bond was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the collection agency, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such collection agency. *New.*

REGULATION OF COLLECTION AGENCIES.

17.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than $5 payment to the person entitled thereto shall be made within ninety days. Agency to account within 30 days.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Superintendent account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person. Agency on demand to account.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys. 1939, c. 7, s. 13; 1946, c. 9, s. 1. Where person entitled to money cannot be located.

18. Every collection agency shall deposit all moneys collected, less the proper earned commission of the collection agency, in a separate trust account, in a chartered bank, a Province of Ontario savings office or a trust company authorized by law to accept deposits. 1939, c. 7, s. 14. Moneys collected to be deposited.

19. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, clients' ledger and journal. 1939, c. 7, s. 15. Books of account.

20. No collection agency or collector shall,— Practices prohibited.

(*a*) collect or attempt to collect any moneys in addition to the amount owing by the debtor; 1939, c. 7, s. 16, cl. *a*.

(*b*) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Superintendent; 1939, c. 7, s. 16, cl. *b;* 1946, c. 9, s. 1.

(*c*) send any telegram or make any telephone call for which the charges are payable by the addressee

or

or the person to whom the call is made, to a debtor for the purpose of demanding payment of any debt; 1939, c. 7; s. 16, cl. *c;* 1941, c. 12, s. 4.

(*d*) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or

(*e*) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar. 1939, c. 7, s. 16, cls. *d*, *e*.

Notice as to moneys collected.

21. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. 1939, c. 7, s. 17.

Licence to be displayed.

22. Every collection agency shall keep its licence and the last renewal thereof displayed in a conspicuous place at its office and shall keep every licence for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office. 1939, c. 7, s. 19.

INVESTIGATION.

Investigation by Superintendent.

23. The registrar, or such other person as may be directed in writing by the Superintendent, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency. 1939, c. 7, s. 18; 1946, c. 9, s. 1.

APPEALS.

Notice of direction, decision, etc.

24. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant a licence or refusing to renew, suspending or cancelling a licence shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing in the application or upon the records of the registrar. *New.*

Review by Superintendent.

25.—(1) An applicant, collection agency or collector whose licence is affected by a direction, decision, order or ruling referred to in section 24 may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

Notice of hearing.

(2) Where a hearing and review is requested under subsection 1 the registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof.

Evidence.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record.

Power on review.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper.

Notice of order to be sent to person requesting review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review. *New.*

Appeal to Supreme Court.

26.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 25, the person who requested the review may appeal to a justice in appeal of the Supreme Court.

Form of appeal.

(2) Every appeal shall be by notice of motion served upon the registrar within thirty days after the mailing of the notice under subsection 5 of section 25 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act.

Certificate of registrar.

(3) The registrar shall certify to the Registrar of the Supreme Court of Ontario,—

(*a*) the direction, decision, order or ruling which has been reviewed by the Superintendent;

(*b*) the order of the Superintendent upon the review together with any statement of reasons therefor;

(*c*) the record of the review; and

(*d*) all written submissions to the Superintendent or other material which in the opinion of the registrar are relevant to the appeal.

Counsel.

(4) The Attorney General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. *New.*

Order of Court.

27. Where an appeal is taken under section 26 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. *New.*

Further direction, etc.

28. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 24 to 27. *New.*

OFFENCES.

Penalty for employing unlicensed agency.

29. Every person who knowingly employs a collection agency not having a licence as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a licence, shall be guilty of an offence and liable to a penalty of not more than $200. 1939, c. 7, s. 21.

Penalties.

30. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Superintendent made under this Act shall be guilty of an offence and liable to a penalty of not more than $200. 1939, c. 7, s. 22; 1946, c. 9, s. 1.

Consent before action.

31. No proceedings under this Act shall be instituted except with the consent or under the direction of the Superintendent. 1939, c. 7, s. 23; 1946, c. 9, s. 1.

Application of Rev. Stat., c. 136.

32. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act.* 1939, c. 7, s. 24.

REGULATIONS.

Regulations.

33. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the form of licences and renewals and applications therefor;

(*b*) prescribing the fees payable for licences and renewals, and any other fees in connection with the administration of this Act and the regulations;

(*c*) requiring collection agencies to make returns and furnish information to the Superintendent;

(*d*) prescribing the manner of making deposits and regulating the control and disposition thereof;

(*e*) governing the keeping of records, books, accounting systems and audits;

(*f*) prescribing the amount and form of bonds to be furnished by collection agencies;

(*g*) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;

(*h*) prohibiting the use of any particular method in the collection of debts; and

(*i*) generally for the better carrying out of the provisions of this Act. 1939, c. 7, s. 20; 1946, c. 9, s. 1, *amended*.

34. *The Collection Agencies Act, 1939*, *The Collection Agencies Amendment Act, 1941*, and *The Collection Agencies Amendment Act, 1946*, are repealed. 1939, c. 7; 1941, c. 12; 1946, c. 9, repealed.

35. This Act may be cited as *The Collection Agencies Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 15.

An Act to amend The Companies Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Companies Act*, as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by adding thereto the following clause: Rev. Stat., c. 251, s. 24, subs. 1, amended.

(*v*) invest and deal with the moneys of the company not immediately required in such manner as may from time to time be determined.

2. Subsection 1 of section 32 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 32, subs. 1, re-enacted.

(1) The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor,— Surrender of charter.

(*a*) that it has parted with its property and has divided its assets rateably among its shareholders or members, provided that where any of the shareholders or members are unknown or cannot be located, their distributive share may be disposed of in trust for such shareholders or members; and

(*b*) that,

(i) it has no debts or obligations, or

(ii) its debts or obligations have been duly provided for or protected, or

(iii) its creditors or other persons having interests in its debts or obligations consent; and

(*c*) that the corporation has given notice of application for leave to surrender its charter by publication once in the *Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office.

Rev. Stat., c. 251, amended.

3. *The Companies Act* is amended by adding thereto the following section:

Forfeiture of undisposed of property.

34*a*. Any real or personal property of a company, which has not been disposed of at the date of dissolution, shall be forfeited to the Crown.

Rev. Stat., c. 251, s. 62, subs. 1, re-enacted.

4. Subsection 1 of section 62 of *The Companies Act* is repealed and the following substituted therefor:

Deposit of foreign probate, letters of administration, etc., with officer of company.

(1) Subject to the provisions of *The Succession Duty Act, 1939*, where,—

1939, 2nd Sess., c. 1.

(*a*) a transmission of shares or other securities of a company takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

(*b*) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in the Dominion of Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of His Majesty's dominions, or in any of His Majesty's colonies or dependencies or in any foreign country,

the said probate of the will or the said letters of administration or the said document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of the said Province, or the said other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of such court or other authority, without any proof of the authenticity of such seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of such transmission, signed and executed by such one or more of the

persons claiming by virtue thereof as the company may require, or, if any such person be any other company, signed and executed by an officer of such other company, shall be deposited with an officer of the company or other person authorized by the directors of the company to receive them.

5. Section 87 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 87, re-enacted.

87.—(1) Subject to the provisions of subsection 3, no person shall hold office as a director unless he is a shareholder of the company and where any director ceases to be a shareholder he shall thereupon cease to be a director. Qualification of directors.

(2) No person who is an undischarged bankrupt shall hold office as a director and where any director becomes a bankrupt he shall thereupon cease to be a director. Director not to be a bankrupt.

(3) When a corporation holds shares in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, any officer or officers of such corporation may be elected as a director or directors and when such corporation ceases to hold such shares in trust, any officer so elected shall thereupon cease to be a director. Corporation holding shares in trust as director.

(4) A director holding shares only in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, or a director elected under the provisions of subsection 3 shall not be personally liable under the provisions of section 97, but the estate or other beneficial owner of the shares held in trust by such director or by the corporation of which such director is an officer shall be subject to all the liabilities imposed upon directors by section 97. Liability of corporation directors and persons holding shares in trust.

6. Part VIII of *The Companies Act*, as amended by section 2 of *The Companies Amendment Act, 1941*, is repealed. Rev. Stat., c. 251, Part VIII, repealed.

7. Subsection 1*c* of section 105 of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 105, subs. 1*c* (1946, c. 10, s. 2), re-enacted.

(1*c*) Purposes connected with the company shall be deemed to include any effort to influence the voting Purposes connected with the company defined.

of shareholders at a special or general meeting of the company or the acquisition or offering of shares to acquire control or to effect an amalgamation or re-organization, or any other purpose approved by the Provincial Secretary.

Rev. Stat., c. 251, s. 125, amended.

8. Section 125 of *The Companies Act* is amended by adding at the end thereof the words "entitled to vote at such meeting", so that the said section shall now read as follows:

Sanctioning by-laws by written consent of all shareholders.

125. Any by-law by this Act requiring confirmation by the shareholders or members of the corporation may in lieu of confirmation at a general meeting be confirmed by the consent in writing of all the shareholders or members entitled to vote at such meeting.

Rev. Stat., c. 251, s. 221, subs. 3, repealed.

9. Subsection 3 of section 221 of *The Companies Act* is repealed.

Rev. Stat., c. 251, s. 272, subs. 1, amended.

10. Subsection 1 of section 272 of *The Companies Act* is amended by striking out the word "Three" at the commencement and inserting in lieu thereof the words "A majority of the", so that the said subsection shall now read as follows:

Quorum of directors.

(1) A majority of the directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting the question shall pass in the negative.

Commencement of Act.

11. This Act shall come into force on the 1st day of June, 1947.

Short title.

12. This Act may be cited as *The Companies Amendment Act, 1947.*

CHAPTER 16.

An Act to amend The Companies Information Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Companies Information Act* is repealed. Rev. Stat., c. 253, s. 1, cl. *c*, repealed.

2. Section 2 of *The Companies Information Act* is repealed and the following substituted therefor: Rev. Stat., c. 253, s. 2, re-enacted.

2.—(1) Every company of a class prescribed by the regulations, before the sale in Ontario of any issue of securities or any part thereof, other than an issue in respect of which a prospectus has been filed, shall file with the Provincial Secretary a prospectus verified as he may direct, together with the prescribed fee. Filing of prospectus.

(2) Where a company contravenes the provisions of subsection 1, each director and officer of the company and any person acting as a representative of an extra provincial company shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding $500, and in default of payment thereof to imprisonment for a term not exceeding three months. Penalty.

3.—(1) The first sixteen lines of subsection 1 of section 3 of *The Companies Information Act*, as re-enacted by subsection 1 of section 8 of *The Statute Law Amendment Act, 1940*, are repealed and the following substituted therefor: Rev. Stat., c. 253, s. 3, subs. 1, *part* (1940, c. 28, s. 8, subs. 1), re-enacted.

(1) On or before the 1st day of June in each and every year without notice or demand to that effect, every corporation incorporated under the laws of Ontario and every other corporation having its head or other office or doing business or any part thereof in the Province of Ontario, shall, unless licensed or registered under the provisions of *The Insurance Act* Annual return of corporation. Rev. Stat., cc. 256; 257

or *The Loan and Trust Corporations Act*, or of a class exempted by the regulations, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the prescribed fee, a detailed return containing as of the 31st day of March next preceding, correctly stated, the following information and particulars,—

. . . . . .

Rev. Stat., c. 253, s. 3, subss. 6, 7, re-enacted.

(2) Subsections 6 and 7 of the said section 3 are repealed and the following substituted therefor:

Summary under *Companies Act* (Can.) in lieu of return.

1934, c. 33 (Can.)

(6) In the case of a company required to file a summary under section 121 of *The Companies Act, 1934* (Canada), such company may deliver a duplicate of said summary signed and verified as prescribed in the said section 121, to the Provincial Secretary in lieu of the return under subsection 1 of this section and shall pay the fee prescribed for such return.

Enlargement of time and exemption from fee.

(7) The Provincial Secretary may at his discretion and for good cause enlarge the time for delivering any such return or summary and may grant an exemption in whole or in part from the payment of the fee.

Rev. Stat., c. 253, amended.

4. *The Companies Information Act* is amended by adding thereto the following section:

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the class or classes of companies which shall file a prospectus under section 2;

(*b*) prescribing the information to be contained in prospectuses;

(*c*) prescribing the fees payable upon the filing of prospectuses;

(*d*) exempting any class or classes of corporations from filing a return under section 3; and

(*e*) prescribing the fees payable upon the filing of returns under section 3.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Companies Information Amendment Act, 1947*.

CHAPTER 17.

An Act to amend The Continuation Schools Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 1, cl. *g*, re-enacted.

(*g*) "Regulations" shall mean regulations made under *The Department of Education Act* or this Act. "Regulations", Rev. Stat., c. 356.

2. Section 2 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 2, re-enacted.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations prescribing the requirements for schools which may be classified as grade A and grade B continuation schools respectively. Regulations re requirements for grade A or B schools.

(2) Subject to the regulations, the Minister may classify each continuation school as a grade A or grade B continuation school. Classification of schools.

3. Section 3 of *The Continuation Schools Act* as amended by section 3 of *The School Law Amendment Act, 1939*, section 1 of *The School Law Amendment Act, 1940*, section 1 of *The School Law Amendment Act, 1941*, section 2 of *The School Law Amendment Act, 1945*, and section 1 of *The Continuation Schools Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 3, re-enacted.

3.—(1) Subject to the regulations and to the approval of the Minister, the public school board of a municipality, school section or township school area or a separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers, and for continuation school purposes such board shall be a body corporate and shall be Establishment of continuation schools.

styled "The Board of Trustees of the Continuation School of ".

Powers of board.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Powers of board.

(3) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

Agreements between boards for joint maintenance and establishment.

(4) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Management of continuation school under board.

(5) A continuation school established under subsection 4 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Board to be body corporate.

(6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the " (*naming the municipality or school section or sections*).

Powers of board.

(7) The board shall have the same powers as are vested in a board under subsections 2 and 3.

Apportionment of cost in union school sections.

(8) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall

levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. Rev. Stat., c. 357.

(9) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards. Levy for school established by separate school board.

(10) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board, and any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools. County representative for school board.

(11) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board. County representative not to vote on public school matters.

(12) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 4, then at the option of the township council and subject to the approval of the Minister,— Board and maintenance where township school area absorbs continuation school.

(*a*) the township school area board shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area; or

(*b*) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections under whose control and management the continuation school was established, in the same manner as though such section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections.

Idem. (13) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 4 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,—

(*a*) the township school area board and two members appointed by each separate school board which entered into the agreement under subsection 4, shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; or

(*b*) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections and appointed by the separate school board or boards, under whose joint control and management the continuation school was established, in the same manner as though such school section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; provided that two trustees only shall be

elected by the ratepayers of each former school section and two trustees only shall be appointed by each separate school board.

Where all school sections not absorbed.

(14) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 4, whether in conjunction with one or more separate school boards or not, the continuation school board shall be composed of,—

(*a*) the township school area board;

(*b*) two members of each separate school board, if any, which is a party to the agreement; and

(*c*) where the board of a school section which is not absorbed in the township school area, is a party to the agreement, two members of such board.

Rev. Stat., c. 359, s. 3*a*, subs. 2 (1946, c. 12, s. 2), amended.

4. Subsection 2 of section 3*a* of *The Continuation Schools Act*, as enacted by section 2 of *The Continuation Schools Amendment Act, 1946*, is amended by striking out the figure "3" in the second line and inserting in lieu thereof the figure "4", so that the said subsection shall now read as follows:

Dissolution of continuation school.

(2) Subject to the approval of the Minister, the board of a continuation school established under subsection 4 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder.

Rev. Stat., c. 359, s. 8, subs. 2, repealed.

5. Subsection 2 of section 8 of *The Continuation Schools Act* is repealed.

Rev. Stat., c. 359, s. 15, amended.

6. Section 15 of *The Continuation Schools Act*, as amended by section 4 of *The School Law Amendment Act, 1941*, is further amended by striking out the word "committee" where it occurs in the amendment of 1941 and inserting in lieu thereof the word "board", so that the said section shall now read as follows:

Application of Rev. Stat., c. 357.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a board established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

8. This Act may be cited as *The Continuation Schools Amendment Act, 1947.*

CHAPTER 18.

An Act to amend The Coroners Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 21 of *The Coroners Act* is amended by striking out the symbol and figures "$15" in the sixth line and inserting in lieu thereof the symbol and figures "$25", so that the said subsection shall now read as follows: Rev. Stat., c. 138, s. 21, subs. 2, amended.

(2) A legally qualified medical practitioner shall be entitled for each attendance in obedience to any such order to $5 and mileage at the rate of fifteen cents per mile for every mile necessarily travelled, and for a *post mortem* examination without an analysis of the contents of the stomach or intestines he shall be entitled to a fee of $25, and if with such analysis to an additional fee of $25. Fees of medical witness. When *post mortem* is held.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Coroners Amendment Act, 1947*. Short title.

CHAPTER 19.

An Act to amend The Corporations Tax Act, 1939.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *d* and *e* of subsection 4 of section 10 of *The Corporations Tax Act, 1939*, are repealed and the following substituted therefor: 1939, c. 10, s. 10, subs. 4, cl. *d*, re-enacted; cl. *e*, repealed.

(*d*) In the case of an incorporated company engaged in mining, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of, Capital held in mine and mill.

(i) the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals,

(ii) the amount invested in the mine as defined by *The Mining Tax Act*, Rev. Stat., c. 28

(iii) the amount invested in the plant and works necessary to and forming part of such mine, and

(iv) the amount invested in the plant and works necessary for the refinement of the ore taken from the mine,

bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*.

2. Clause *a* of subsection 7 of section 12 of *The Corporations Tax Act, 1939*, is amended by striking out the words "which has not during its fiscal year developed its properties by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work" in the first, second, third, fourth and fifth lines and 1939, c. 10, s. 12, subs. 7, cl. *a*, amended.

inserting in lieu thereof the words "the profits of which during the fiscal year are insufficient to be assessed for a tax under *The Mining Tax Act*", so that the said clause shall now read as follows:

Rev. Stat., c. 28.

(*a*) Any incorporated company engaged in mining the profits of which during the fiscal year are insufficient to be assessed for a tax under *The Mining Tax Act* and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than $40,000.

1939, c. 10, s. 14, subs. 1, amended.

3.—(1) Subsection 1 of section 14 of *The Corporations Tax Act, 1939*, is amended by striking out the word "two" in the sixth line and inserting in lieu thereof the word "seven", so that the said subsection shall now read as follows:

Tax on net income.

(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of seven per centum calculated upon the net income of the incorporated company.

1939, c. 10, s. 14, subs. 4, cl. *a*, amended.

(2) Clause *a* of subsection 4 of the said section 14 is amended by striking out the words "from mining and" in the third and fourth lines and the word "mines" where it occurs in the sixth and seventh lines respectively, so that the said clause shall now read as follows:

Depreciation and exhaustion.

Depletion between lessor and lessee.

(*a*) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the wells and timber limits as he may deem just and fair; and in the case of leases of oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final.

1939, c. 10, s. 14, subs. 4, cls. *e*, *f*, re-enacted.

(3) Clause *e*, as amended by subsection 3 of section 5 of *The Corporations Tax Amendment Act, 1941*, and clause *f* of subsection 4 of the said section 14 are repealed and the following substituted therefor:

(*e*) Dividends received by an incorporated company from another incorporated company; Dividends.

(*f*) The income of an incorporated company, Investment companies.

(i) the paid-up capital of which throughout the fiscal year is, to the extent of eighty per centum or more, invested in stocks, bonds or securities or held in cash,

(ii) the gross income of which during the fiscal year is, to the extent of not less than ninety-five per centum, derived from investments mentioned in subclause i,

(iii) the paid-up capital of which is, to the extent of not more than ten per centum thereof, invested in the stocks, bonds or securities of any one corporation or debtor other than His Majesty in right of Canada or of any province or of a Canadian municipality,

(iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock of the incorporated company,

(v) the net income of which during each fiscal year, excluding dividends received in stock or specie other than cash or interest received otherwise than in cash, has been distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum or more, and

(vi) which has, throughout the fiscal year, no outstanding bonds, debentures or other securities evidencing funded indebtedness.

(4) Subsection 4 of the said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, and subsection 3 of section 5 of *The Corporations Tax Amendment Act, 1941*, is further amended by adding thereto the following clause: 1939, c. 10. s. 14, subs. 4, amended.

(*i*) The amount of the income earned during the fiscal year by an incorporated company engaged in mining which is equal to the amount of mining profits earned during such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act;* provided that if such fiscal year does not coin- Rev. Stat. c. 28.

cide with the calendar year during which the profits assessed under *The Mining Tax Act* are earned, such amount shall be the total of,

(i) the amount of mining profits earned during the calendar year which ends during such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*, and

(ii) the amount of mining profits earned during the period commencing on the 1st day of January following the close of such calendar year and ending on the last day of such fiscal year for which such company will be assessable for a tax under section 4 of *The Mining Tax Act*,

reduced by,

(iii) the amount of mining profits earned during the period commencing on the 1st day of January of the calendar year which ends within such fiscal year and ending on the last day of the fiscal year previous to such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*.

1939, c. 10, s. 15, amended.

4. Section 15 of *The Corporations Tax Act, 1939*, is amended by striking out the word "two" in the fourth line and inserting in lieu thereof the word "seven", so that the said section shall now read as follows:

Railway hotels,—tax on income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of seven per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

1939, c. 10, s. 17, subs. 1, amended.

5. Subsection 1 of section 17 of *The Corporations Tax Act, 1939*, is amended by striking out the word "four" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Company to file annual return.

(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month

which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

6. Section 20 of *The Corporations Tax Act, 1939*, is repealed and the following substituted therefor: 1939, c. 10, s. 20, re-enacted.

Taxes,—when to accrue.

20.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the fiscal year of the company for which such taxes are imposed.

Dates of payment.

(2) Every company on which a tax is imposed by this Act shall pay,—

(*a*) not later than the close of the fiscal year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by it on its income or other subject for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for such last-mentioned fiscal year;

(*b*) not later than the 15th day of the third month following the month in which the fiscal year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and

(*c*) at the time of making the return, as required by subsection 1 of section 17, the balance, if any, of the tax payable, as estimated by the company in the return.

Where payment less than amount required.

(3) Where a company pays less than the amount required to be paid under this section the company shall pay interest upon the amount of the deficiency,—

(*a*) at the rate of four per centum per annum from the date upon which the amount was payable until the date of payment thereof or until the date on or before which the return is by subsection 1 of section 17 required to be delivered, whichever is the earlier; and

(*b*) where payment of the amount of the deficiency is made after the date on or before which the return is required to be delivered, at the rate of seven per centum per annum from such date until the date of payment.

1939, c. 10, s. 21, subs. 10, amended.

7.—(1) Subsection 10 of section 21 of *The Corporations Tax Act, 1939*, is amended by striking out the word "five" in the eighth line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Noti of assessment.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last day prescribed for making such return to the date of payment.

1939, c. 10, s. 21, subs. 11, re-enacted.

(2) Subsection 11 of the said section 21 is repealed and the following substituted therefor:

Penalty for non-payment of additional tax.

(11) If any company fails to pay such additional tax and interest within one month after the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month after the date of the mailing of the notice of assessment to the date of payment; provided that no interest shall be payable under section 20 or 21 upon unpaid taxes in respect of the period commencing twenty months after the date on or before which the company's return is by subsection 1 of section 17 required to be filed and ending one month after the date of mailing the notice of assessment.

Application of 1940, c. 6, s. 1.

8. The provisions of section 1 of *The Corporations Tax Amendment Act, 1940*, shall apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years.

Application of this Act.

9. Notwithstanding the provisions of section 20 of *The Corporations Tax Act, 1939*, as re-enacted by section 6, the taxes imposed by *The Corporations Tax Act, 1939*, as amended by this Act, shall, for the fiscal year of any company which ended on or after the 1st day of January, 1947, and up to and including

cluding the 30th day of April, 1947, be payable as though such fiscal years ended on the 31st day of May, 1947, and subsections 10 and 11 of section 21 of *The Corporations Tax Act, 1939*, as amended by section 7, shall, with respect to the payment of the taxes imposed for fiscal years which ended on and between such dates and interest thereon, apply as though the 31st day of May, 1947, were the close of each of such fiscal years.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1947 and subsequent fiscal years.

Short title.

11. This Act may be cited as *The Corporations Tax Amendment Act, 1947*.

CHAPTER 20.

An Act to amend The County Courts Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The County Courts Act* is amended by striking out the symbol and figure "$4" in the second line and inserting in lieu thereof the symbol and figure "$7", so that the said section shall now read as follows: Rev. Stat., c. 103, s. 15, amended.

15. The clerk shall be entitled to be paid by the county the sum of $7 for each day's attendance at all sittings of the county court, both non-jury and jury. Clerk's fees for attendance.

2. This Act shall come into force on the 1st day of April, 1947. Commencement of Act.

3. This Act may be cited as *The County Courts Amendment Act, 1947*. Short title.

CHAPTER 21.

An Act to amend The County Judges Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 9 of *The County Judges Act* are repealed and the following substituted therefor: Rev. Stat., c. 102, s. 9, subss. 1, 2, re-enacted.

Allowances.

(1) There shall be paid,—

(*a*) to the senior judge of the county court of the county of York, an allowance at the rate of $2,500 per annum; and

(*b*) to the judge of every other county and district court and to every junior judge of a county or district court, an allowance at the rate of $1,500 per annum.

Further allowance where one judge.

(2) In addition to the allowances provided in subsection 1 there shall be paid to the judge of every county and district court in a county or district in which there is only one judge, a further allowance as follows,—

Rev. Stat., c. 106.

(*a*) where the judge's fees under *The Surrogate Courts Act* for the calendar year exceed the sum of $2,000 but do not exceed $3,000, forty per centum of such excess;

(*b*) on the excess over $3,000 up to $4,000, thirty per centum;

(*c*) on the excess over $4,000 up to $5,000, twenty per centum; and

(*d*) on the excess over $5,000 up to $6,000, ten per centum.

Where more than one judge.

(2*a*) Where in any county or district there is more than one judge the judge's fees under *The Surrogate Courts Act* shall be allocated equally between or

among the judge and the junior judge or judges and each judge and junior judge shall receive an allowance in accordance with the provisions of subsection 2 calculated on such allocation.

When allowances payable.

(2*b*) The allowances under subsection 1 shall be payable monthly and the allowances under subsections 2 and 2*a* shall be payable annually after the end of the calendar year out of the Consolidated Revenue Fund.

Allowances under s. 9, subss. 2, 2*a*,— how calculated.

Rev. Stat., cc. 102; 106.

2. The allowance under subsections 2 and 2*a* of section 9 of *The County Judges Act*, as enacted by this Act, for the year 1947 shall be calculated on the judge's fees under *The Surrogate Courts Act* for the last nine months of the year 1947.

Commencement of Act.

3. This Act shall come into force on the 1st day of April, 1947.

Short title.

4. This Act may be cited as *The County Judges Amendment Act, 1947*.

CHAPTER 22.

An Act to amend The Credit Unions Act, 1940.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 17 of *The Credit Unions Act, 1940*, is amended by striking out the word "Minister" in the second line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: 1940, c. 7, s. 17, subs. 1, amended.

(1) No by-law or amendment of a by-law shall be valid until it has been approved by the registrar, for which purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the registrar. Amendments to by-laws.

(2) Subsection 2 of the said section 17 is amended by striking out the word "Minister" in the first line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: 1940, c. 7, s. 17, subs. 2, amended.

(2) The registrar, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve thereof. Approval of amendment.

2. Section 22 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor: 1940, c. 7, s. 22, re-enacted.

22. Any corporation may become a member of a credit union but no loan shall be made to any such corporation unless the loan has been approved by a joint meeting of the board of directors, credit committee and supervisory committee of the credit union. Loan to corporations.

3. Section 48 of *The Credit Unions Act, 1940*, as re-enacted by section 3 of *The Credit Unions Amendment Act, 1942*, is amended by adding thereto the following subsection: 1940, c. 7, s. 48 (1942, c. 7, s. 3), amended.

Assessment of members for league.

(6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each member of the credit union of an amount not to exceed fifty cents which amounts shall be forwarded to the league to assist in its financing.

Short title.

4. This Act may be cited as *The Credit Unions Amendment Act, 1947.*

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 23.

An Act to amend The Crown Attorneys Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Crown Attorneys Act* is repealed. Rev. Stat., c. 137, s. 10, subs. 1, repealed.

(2) Subsection 2 of the said section 10 is amended by striking out the symbol and figures "$15" in the third line and inserting in lieu thereof the symbol and figures "$25", so that the said subsection shall now read as follows: Rev. Stat., c. 137, s. 10, subs. 2, amended.

(2) For attendance on appeals from the decision of magistrates under Dominion or Provincial statutes the Crown attorney shall be entitled to a fee of $25 and actual travelling expenses, to be paid by the county or in the case of a district, by the province. Fee of Crown attorney on appeals.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of October, 1947. Commencement of Act.

3. This Act may be cited as *The Crown Attorneys Amendment Act, 1947.* Short title.

CHAPTER 24.

An Act to amend The Crown Timber Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act* is amended by adding thereto the following section: Rev. Stat., c. 36, amended.

3b.—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, grant rights to cut timber on the ungranted public lands and timber on patented lands, where the timber on them remains the property of the Crown, for such periods and for such consideration and subject to such conditions, regulations and restrictions as the Minister may deem proper. Rights to cut timber.

(2) Sections 2, *3a*, 4, 5 and 6 and all the other provisions of this Act and any regulations made thereunder shall apply in the case of all timber cut under rights granted under this section. Other provisions of Act to apply.

2. Subsection 2 of section 5 of *The Crown Timber Act* is repealed. Rev. Stat., c. 36, s. 5, subs. 2, repealed.

3. Section 21 of *The Crown Timber Act* is repealed. Rev. Stat., c. 36, s. 21, repealed.

4. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

5. This Act may be cited as *The Crown Timber Amendment Act, 1947.* Short title.

CHAPTER 25.

An Act to amend The Cullers Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Cullers Act* is amended by striking out the words "rejected as worthless" in the ninth line and inserting in lieu thereof the words "classified as culls", so that the said section shall now read as follows: Rev. Stat., c. 240, s. 13, amended.

13. At the end of the season every culler of sawlogs shall make a sworn return upon forms supplied by the Department or its agents, which shall show the names and addresses of each person for whom the sawlogs measured were cut, the lands on which the said sawlogs were cut, the number of pieces measured and accepted by him cut on each of said lands and the respective lengths and diameters of each of said pieces so cut and also the number of pieces so cut on each of said lands and classified as culls. Returns to be made by cullers of sawlogs.

2. Section 14 of *The Cullers Act* is amended by striking out the words "rejected as worthless" in the eighth and ninth lines and inserting in lieu thereof the words "classified as culls", so that the said section shall now read as follows: Rev. Stat., c. 240, s. 14, amended.

14. At the end of the season every culler of pulpwood shall make a sworn return upon the forms supplied by the Department or its agents which shall show the number of cords of pulpwood measured by him, the names and addresses of each person for whom said pulpwood was cut respectively, the lands on which the said pulpwood was cut and the number of cords so cut on each of said lands, and also the quantity of pulpwood cut on each of said lands and classified as culls. Returns to be made by cullers of pulpwood.

3. *The Cullers Act* is amended by adding thereto the following section: Rev. Stat., c. 240, amended.

16*a*. The Lieutenant-Governor in Council may make regulations,— Regulations.

(*a*) prescribing the method by which timber cut on Crown lands shall be measured;

(*b*) generally for the better carrying out of the provisions of this Act.

Commencement of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Cullers Amendment Act, 1947*.

CHAPTER 26.

An Act to amend The Day Nurseries Act, 1946.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Day Nurseries Act, 1946*, is amended by renumbering the present section 1 as section 1*a* and by adding thereto the following section: 1946, c. 17, amended.

1. In this Act,— Interpretation,—

(*a*) "day nursery" shall mean any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under six years of age and not of common parentage, but shall not include a nursery school or kindergarten conducted as part of a public or separate school under *The Public Schools Act* or *The Separate Schools Act;* and "day nursery"; Rev. Stat., cc. 357, 362.

(*b*) "Minister" shall mean the Minister of Public Welfare. "Minister".

2. This Act may be cited as *The Day Nurseries Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 27.

An Act to amend The Dentistry Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Dentistry Act* is amended by adding thereto the following section: Rev. Stat., c. 227, amended.

13*a*.—(1) No person shall conduct any course for training or imparting instruction in any branch of dentistry or shall grant degrees in dentistry without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health. Approval for dental courses.

(2) Upon the recommendation of the Minister of Health the Lieutenant-Governor in Council may at any time revoke any approval given under this section. Revocation of approval.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act

3. This Act may be cited as *The Dentistry Amendment Act, 1947*. Short title.

(NOTE: For further amendments to *The Dentistry Act*, see *The Dentistry Amendment Act, 1947* (*No. 2*), which appears as chapter 28 of this volume.)

CHAPTER 28.

An Act to amend The Dentistry Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Dentistry Act* is amended by adding thereto the following section: Rev. Stat., c. 227, amended.

Dental hygienists.

10*a*. The Board shall have power, subject to the approval of the Lieutenant-Governor in Council, to pass by-laws,—

(*a*) providing for the establishment, development, regulation and control of an ancillary body to be known as dental hygienists;

(*b*) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the College, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;

(*c*) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;

(*d*) regulating the conditions and prescribing the qualifications for admission to such body;

(*e*) prescribing the admission and annual fees payable by members of such body; and

(*f*) generally for the defining, regulating and controlling of the practice of dental hygiene.

2. Subsection 1 of section 19 of *The Dentistry Act* is amended by striking out the symbol and figures "$10" in the fifth line Rev. Stat., c. 227, s. 19, subs. 1, amended.

and inserting in lieu thereof the symbol and figures "$25", so that the said subsection shall now read as follows:

Annual fees.

(1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee, not exceeding $25, as may be prescribed by by-law of the Board, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides.

Rev. Stat., c. 227, s. 20, amended.

3. Section 20 of *The Dentistry Act*, as amended by section 3 of *The Dentistry Amendment Act, 1942*, is further amended by adding thereto the following subsection:

Idem.

(1*c*) No work, service, advice or assistance that is part of the practice of dental hygiene and that is undertaken, performed or given by any dental hygienist in the office or clinic of a member of the College and under his supervision and control, shall be deemed to be a contravention of this section.

Rev. Stat., c. 227, Sched. A, para. 3, amended.

4. The third paragraph of Schedule A to *The Dentistry Act* is amended by inserting after the words "Thunder Bay" in the third line the word "Cochrane", so that the said paragraph shall now read as follows:

Electoral District No. 3 shall consist of the following counties and districts: Algoma, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay, Cochrane and Temiskaming.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Dentistry Amendment Act, 1947 (No. 2)*.

CHAPTER 29.

An Act to amend The Department of Education Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Department of Education Act*, as re-enacted by section 4 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor: Rev. Stat., c. 356, s. 4 (1945, 2nd Sess., c. 8, s. 4), re-enacted.

4.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The High Schools Act*, *The Public Schools Act*, *The Separate Schools Act*, *The Vocational Education Act*, *The Schools for the Deaf and Blind Act* or this Act and all other schools supported in whole or in part by public money,— Regulations. Rev. Stat., cc. 358; 359; 360; 357; 362; 369; 365.

(*a*) for the establishment, administration and government thereof and the courses of study and examinations therein;

(*b*) for the admission of pupils thereto;

(*c*) for the establishment and regulation of cadet corps, gardens and libraries therein;

(*d*) prescribing the qualifications and governing the appointment of teachers, inspectors, directors, superintendents and other officials;

(*e*) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;

(*f*) prescribing the form of contract which shall be used for every contract entered into between

a board and a teacher for the services of the teacher;

(*g*) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;

(*h*) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;

(*i*) authorizing text-books and books of reference for the use of pupils, teachers and teachers-in-training;

(*j*) requiring boards to purchase books for the use of pupils in schools under the charge of such boards;

(*k*) prescribing fees to be paid by candidates at examinations;

(*l*) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;

(*m*) providing for the establishment of supervising examination boards and prescribing the duties thereof;

(*n*) for conducting examinations and settling the results thereof;

(*o*) for granting diplomas and certificates of standing;

(*p*) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;

(*q*) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;

(*r*) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;

(*s*) prescribing the qualifications and experience which will be recognized for the purpose of,

(i) qualifying persons to teach,

(ii) admitting persons to schools, and

(iii) permitting persons to write examinations;

(*t*) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health;

(*u*) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools;

(*v*) governing the establishment and maintenance of public schools on lands held by the Crown in right of Canada or Ontario, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools out of the moneys appropriated by the Legislature therefor;

(*w*) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario;

(*x*) governing the transportation of pupils to and from public, separate, high, continuation and vocational schools and collegiate institutes;

(*y*) providing for assistance in the payment of the cost of education and transportation costs of pupils residing in the territorial districts and on lands held by the Crown in right of Canada or Ontario; and

(*z*) providing for assistance in the payment of the cost of transportation to universities and other institutions of higher learning of persons residing in the territorial districts.

Idem.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(*a*) providing for a programme of adult education;

(*b*) providing for programmes of training in physical fitness and recreation;

(*c*) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes including sums granted for programmes of adult education and of training in physical fitness and recreation, and the maintenance of historical, literary and scientific institutions;

(*d*) prescribing definitions of,—

(i) "approved cost", and providing for the approval of the Minister as a condition in the definition, and

(ii) "cost of operating",

for the purpose of legislative grants to boards; and

(*e*) prescribing the conditions governing the payment of legislative grants.

Rev. Stat., c. 356, s. 5, re-enacted.

2. Section 5 of *The Department of Education Act*, as amended by section 10 of *The Statute Law Amendment Act, 1942*, section 5 of *The School Law Amendment Act, 1945*, and section 1 of *The Department of Education Amendment Act, 1946*, is repealed and the following substituted therefor:

Powers and duties of Minister.

5. It shall be the duty of the Minister and he shall have power,—

Apportionment of outside grants.

(*a*) to apportion and pay all sums received from the Government of Canada or any source other than an appropriation by this Legislature, for educational purposes, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit;

(*b*) to appoint the members of supervising examination boards and to prescribe the remuneration, including allowances for travelling and other expenses, to be paid to each member thereof; Supervising examination boards.

(*c*) to pay out of any appropriation for professional training schools the travelling and other expenses and such *per diem* allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable; Professional training schools.

(*d*) to accept in lieu of any requirement prescribed for a teacher, head of a department, director, inspector, or a candidate for a certificate, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto; Accepting other qualifications.

(*e*) to grant certificates of qualification as teachers and instructors in the Ontario School for the Blind and the Ontario School for the Deaf, to such persons as he may deem to be, from their experience and general attainments, qualified to receive such certificates; Certificates of qualification to certain teachers.

(*f*) to require all teachers to submit periodically to medical examination; Periodic medical examination of teachers.

(*g*) to submit a case on any question arising under *The Public Schools Act*, *The High Schools Act* or *The Separate Schools Act*, or this Act, to a judge of the Supreme Court for his opinion and decision, or by the leave of a judge of such Court, to the Court of Appeal for its opinion and decision; Submitting questions arising upon school law to Supreme Court. Rev. Stat., cc. 357, 360, 362.

(*h*) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer; Power to settle disputes and complaints.

(*i*) to suspend or cancel any certificate of qualification granted under the regulations; Suspension or cancellation of certificate.

(*j*) to appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with Power to appoint commissioners.

Rev. Stat., c. 19.

all the powers which may be conferred on commissioners under *The Public Inquiries Act;*

Annual report.

(*k*) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient;

Use of schools for practice teaching.

(*l*) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college;

Subjects, time allotments, etc.

(*m*) subject to the regulations, to prescribe subjects, time allotments for subjects, text-books and reference books for schools or classes established under *The Auxiliary Classes Act, The Continuation Schools Act, The High Schools Act, The Public Schools Act, The Separate Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act* or this Act and all other schools supported in whole or in part by public money.

Rev. Stat., cc. 358; 359; 360; 357; 362; 369; 365.

Rev. Stat., c. 356, amended.

3. *The Department of Education Act* is amended by adding thereto the following section:

Contracts for transportation of pupils.

12. No school board or board of education shall enter into a contract for the transportation of pupils until it obtains the approval of the Minister.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

5. This Act may be cited as *The Department of Education Amendment Act, 1947.*

CHAPTER 30.

An Act to amend The Dependants' Relief Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Dependants' Relief Act*, as amended by section 11 of *The Statute Law Amendment Act, 1942*, is further amended by inserting after the word "paid" in the second line the words "together with the value of any benefits given under the will of the testator", so that the said section shall now read as follows: Rev. Stat., c. 214, s. 10, amended

10. Subject to the provisions of section 8 the amount or value of any allowance ordered to be paid, together with the value of any benefits given under the will of the testator, shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate. Limit of amount or value of allowance.

2. This Act may be cited as *The Dependants' Relief Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 31.

The District Homes for the Aged Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "district" shall mean a provisional judicial district; R.S.O. 1937, c. 386, s. 1, cl. (*a*). "district";

(*b*) "Minister" shall mean Minister of Public Welfare; and "Minister";

(*c*) "supervisor" shall mean supervisor appointed under *The Department of Public Welfare Act*. *New.* "supervisor".

2. A home for the aged may be established, erected and maintained in a district when a by-law authorizing the same has been passed in a majority of the organized municipalities of such district. R.S.O. 1937, c. 386, s. 2, *amended.* How established.

3. When by-laws authorizing the same have been passed in a majority of the organized municipalities in two or more contiguous districts a joint home for the aged may be established. R.S.O. 1937, c. 386, s. 3, *amended.* Joint home for the aged.

4. When such by-laws have been passed, certified copies shall be transmitted to the Minister for the approval of the Lieutenant-Governor in Council, and, if approved of, a board of management shall be appointed. R.S.O. 1937, c. 386, s. 4, *amended.* Approved by Lieutenant-Governor. Board of management.

5.—(1) The board of management shall be a corporation and shall consist of five persons resident in the district, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts appointed by the Lieutenant-Governor in Council for a term of three years. R.S.O. 1937, c. 386, s. 5 (1), *amended.* How composed.

Term of office.

(2) The members of the board shall hold office for a term of three years and until their successors are appointed. R.S.O. 1937, c. 386, s. 5 (2).

Site for home.

6. The board shall select the site for the home for the aged which shall be inspected by a supervisor and approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 386, s. 6, *amended.*

Powers of board.

7. The board shall have charge of the erection and maintenance of the home for the aged and shall have the same powers as provided for in sections 7 and 8 of *The Homes for the Aged Act, 1947.* R.S.O. 1937, c. 386, s. 7, *amended.*

1947, c. 46.

Powers of county councils conferred on boards of management.

8. The board shall have the powers which are conferred upon the council of a county by sections 9, 10, 11, 12, 14 and 15 of *The Homes for the Aged Act, 1947*, and those sections so far as applicable to a home for the aged established by a county shall apply to a home for the aged established under this Act. R.S.O. 1937, c. 386, s. 8, *amended.*

Aid to board establishing home for the aged.

9. Where,—

(*a*) the Minister has approved the plans and the amount of the expenditures for a building to be used for a home for the aged or for an addition to or extension of a home for the aged; and

(*b*) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the board responsible for the home for the aged, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New.*

Assessment for maintenance.

10. The amount of the grant shall not in the case of a home for the aged established for a district exceed the amount levied and collected in such district for the purpose of the establishment and erection of the home for the aged and in the case of a joint home for the aged the aggregate of the amounts levied and collected for such purpose in the districts by which the home for the aged is established. R.S.O. 1937, c. 386, s. 11, *amended.*

Providing cost of maintenance.

11.—(1) The cost of establishing, erecting and maintaining a home for the aged shall be defrayed by the corporations of the organized municipalities in the districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the ratepayers

in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. R.S.O. 1937, c. 386, s. 12 (1), *amended*.

Apportionment of amount,—in unorganized townships;

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the board, and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

in organized townships.

(3) The board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the board on demand, and shall include the same in its estimates for the then current year and levy and collect the same in like manner as taxes are levied and collected. R.S.O. 1937, c. 386, s. 12 (2, 3).

Aid from Legislative grants.

12. A home for the aged established under this Act shall be entitled to receive aid under *The Charitable Institutions Act* at a *per diem* rate fixed from time to time by the Lieutenant-Governor in Council for each inmate while he is maintained therein. R.S.O. 1937, c. 386, s. 13, *amended*.

Rev. Stat., c. 381.

Liability for indigent inmates from municipalities in other districts.

13.—(1) Where an inmate in a district home for the aged was at the time of his admission a resident in a municipality in a territorial district other than the one for which the home for the aged is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of $1 per day for every day in which he is an inmate in the home for the aged. R.S.O. 1937, c. 386, s. 14 (1); 1946, c. 24, s. 1, *amended*.

Meaning of "resident."

(2) For the purposes of this section, an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the home for the aged. R.S.O. 1937, c. 386, s. 14 (2), *amended*.

Accounts to be submitted and audited.

14. The accounts of a home for the aged shall be submitted quarterly to a supervisor, and audited in the same manner as

accounts relating to the administration of justice in districts. R.S.O. 1937, c. 386, s. 15, *amended*.

Rev. Stat., c. 386; 1946, c. 24, repealed.

15. *The District Houses of Refuge Act* and *The District Houses of Refuge Amendment Act, 1946*, are repealed.

Commencement of Act.

16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as *The District Homes for the Aged Act, 1947*.

CHAPTER 32.

An Act to amend The Dog Tax and Live Stock Protection Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Dog Tax and Live Stock Protection Act* is amended by adding thereto the following subsection: Rev. Stat., c. 335, s. 11, amended.

(8) No live stock valuer appointed by a municipality or by the Minister shall report the extent and amount of damage done to a head of cattle in excess of $250. Amount of damages limited.

2. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 33.

The Embalmers and Funeral Directors Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,— Interpretation,—

(*a*) "approved school" shall mean a school or college approved by the Board; "approved school";

(*b*) "articled student" shall mean a student who is articled to a licensed funeral director or a licensed embalmer in accordance with the regulations; "articled student";

(*c*) "Board" shall mean Board of Examiners appointed under this Act; "Board";

(*d*) "certificate of qualification" shall mean a certificate of qualification issued under this Act; "certificate of qualification";

(*e*) "embalming" shall mean preservation of the dead human body, entire or in part, by the use of chemical substances, fluids or gases, ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body, or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities, and "embalm" shall have a corresponding meaning; "embalming"; "embalm";

(*f*) "funeral director" shall mean a person who operates for himself, or under his own or any other name for another person, partnership, firm or incorporated company, a business for the purpose of furnishing to the public funeral supplies and services; "funeral director";

"licence"; (*g*) "licence" shall mean licence issued under this Act and shall include a renewal thereof;

"licensed embalmer"; (*h*) "licensed embalmer" shall mean a person holding an embalmer's licence under this Act;

"licensed funeral director"; (*i*) "licensed funeral director" shall mean a person holding a funeral director's licence under this Act;

"Minister"; (*j*) "Minister" shall mean Minister of Health;

"permit"; (*k*) "permit" shall mean a permit issued under this Act; and

"regulations"; (*l*) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 242, s. 1, *amended*.

THE BOARD.

Board of Examiners. **2.**—(1) The Board of Examiners shall consist of five persons of whom not less than three shall be licensed funeral directors and such persons shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Officers. (2) The Lieutenant-Governor in Council may appoint a member of the Board to act as chairman and another member to act as vice-chairman and the members of the Board shall elect one of the members to be the secretary-treasurer.

Quorum. (3) Three members of the Board shall constitute a quorum. R.S.O. 1937, c. 242, s. 2, *amended*.

Assistant secretary. **3.** The Board may appoint an assistant secretary who shall be paid such remuneration as the Board may determine out of the funds of the Board. *New*.

Meetings. **4.**—(1) The Board shall hold meetings at least three times in every year at such time and place as may be deemed advisable by the majority of the members and may hold additional meetings at the call of the chairman or of any two members.

Notice of meetings. (2) Notice of every meeting, whether general or special, shall be sent by the secretary-treasurer by prepaid registered post to every member of the Board at his address as last entered upon the register, not less than seven days before the day of the holding of the meeting. R.S.O. 1937, c. 242, s. 3 (1, 2).

Waiver of notice. (3) Notwithstanding any of the provisions of this section, where all the members of the Board are present and waive notice and consent to the holding of a meeting, a meeting of

the Board may be held at any time and place. R.S.O. 1937, c. 242, s. 3 (3), *amended.*

Powers of chairman acting for Board.

5.—(1) Where owing to the urgent nature of any situation requiring the consideration of the Board it is impossible to convene a meeting, the chairman shall act as and for the Board and shall report the circumstances of the case and the action taken thereon at the next meeting.

Effect of decision of chairman.

(2) The decision of the chairman in such circumstances shall, subject to the provisions of subsection 3 of section 15, be final and binding unless and until reversed or altered by the Board. R.S.O. 1937, c. 242, s. 4.

Audit.

6.—(1) The receipts and expenditures of the Board shall be audited by a chartered accountant, not a member of the Board. R.S.O. 1937, c. 242, s. 13 (1).

Moneys and securities.

(2) All moneys and securities received or held by the Board shall be held in the name of "Board of Examiners under *The Embalmers and Funeral Directors Act, 1947*" and the moneys may be deposited in a branch of a chartered bank, or a Province of Ontario savings office and shall be withdrawn by the secretary-treasurer on the order of the Board, and securities may be purchased and sold by the secretary-treasurer on the order of the Board. R.S.O. 1937, c. 242, s. 13 (2), *amended.*

Report of Board.

7. The Board shall make a report to the Minister, on or before the 31st day of January in every year, showing,—

(*a*) the names of all licensed embalmers and funeral directors in Ontario, specifying whether "embalmer" or "funeral director", and in the case of a funeral director, the name under which business is carried on;

(*b*) the number of new certificates of qualification granted during the preceding year and the persons to whom granted;

(*c*) the number of applications for certificates of qualification refused during the preceding year, and the reason for refusal;

(*d*) the number of certificates of qualification revoked during the preceding year, and the reason for revocation;

(*e*) the amount of fees received during the preceding year;

(*f*) the revenue and expenditure of the Board during the year in detail, and the assets and liabilities at the end of the year; and

(*g*) such other matters as may be directed by the Minister. R.S.O. 1937, c. 242, s. 12 (1), *amended.*

Application of Rev. Stat., c. 135.

8. *The Public Authorities Protection Act* shall apply to the members and officials of the Board. R.S.O. 1937, c. 242, s. 21.

LICENCES, PERMITS, CERTIFICATES OF QUALIFICATION.

Funeral director's licence required.

9.—(1) No person shall act as a funeral director unless he is a licensed funeral director or is the holder of a permit.

Embalmer's licence or permit required.

(2) No person shall embalm a dead human body unless he is a licensed embalmer or is the holder of a permit.

Exceptions.

(3) Subsection 2 shall not apply,—

(*a*) to an articled student working under the direct supervision of an embalmer;

(*b*) to a student of, or a person employed in a recognized school of medicine; or

(*c*) in a sparsely settled area where an embalmer is not available. R.S.O. 1937, c. 242, ss. 15, 18, *part*, *amended.*

Shipment of body out of Ontario.

10. No person shall ship a dead human body out of Ontario unless it has been embalmed and prepared for shipment by a licensed embalmer. R.S.O. 1937, c. 242, s. 16, *amended.*

Licence, renewals.

11.—(1) The Board may issue a funeral director's licence or an embalmer's licence to a person who,—

(*a*) is the holder of a certificate of qualification;

(*b*) is not less than twenty-one years of age; and

(*c*) has complied with the requirements of the regulations,

and may issue renewals thereof.

Funeral director's licence.

(2) For the purposes of this Act and the regulations, every licensed funeral director shall be deemed to be a licensed embalmer.

Expiration.

(3) Every licence and every renewal thereof shall expire on the 31st day of December next following the date of such licence or renewal. *New.*

Permits.

12.—(1) For the purpose of serving the public in sparsely settled areas of Ontario, the Board may issue a permit to a person who is not the holder of a certificate of qualification.

Conditions; expiration.

(2) A permit may be issued upon such terms and subject to such conditions as the Board may prescribe and every permit shall expire on the 31st day of December next following the date thereof or upon such earlier date as the Board may determine. R.S.O. 1937, c. 242, s. 14, *amended*.

Display of licence; permit.

13. Every person who holds a licence or permit shall cause it to be displayed at all times at his place of business or the place of business where he is employed, and failure to comply with this section shall be *prima facie* evidence that such person is not the holder of a licence or permit. R.S.O. 1937, c. 242, s. 17, *amended*.

Certificate of qualification.

14.—(1) The Board may issue a certificate of qualification to any person,—

(*a*) who,

(i) has served the period of apprenticeship required by the regulations and completed a course at an approved school, or

(ii) is the holder of a certificate of qualification issued by the Board of Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors, or

(iii) satisfies the Board that for a period of not less than five years he held a licence and was engaged as an embalmer in a jurisdiction designated by the regulations;

(*b*) who satisfies the Board that he is of good moral character;

(*c*) who passes examinations prescribed by the Board; and

(*d*) who pays the prescribed fee.

Effect of certain certificates.

(2) A certificate of qualification issued by the Board of Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors to a person who at the date of the coming into force of this Act is licensed as an embalmer or funeral director shall have the same force and effect as a certificate of qualification issued under this Act.

Cancellation by failure to use.

(3) Where the holder of a certificate of qualification is not the holder of a licence for a period of five consecutive years, the certificate of qualification shall *ipso facto* be deemed to be revoked. *New.*

Suspension of licence, permit.

15.—(1) The Board may suspend the licence or permit of any person for such period and upon such conditions as it deems proper.

Cancellation of licence, permit.

(2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person where all of the members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations. R.S.O. 1937, c. 242, s. 9, *amended.*

Appeal.

(3) Any person in respect of whom action is taken by the Board under this section may, within seven days of receiving notice in writing of the Board's action, appeal in writing to the Minister who may give such direction to the Board as he deems proper and there shall be no appeal therefrom. R.S.O. 1937, c. 242, s. 10, *amended.*

Re-issue of certificate of qualification.

16. Where the certificate of qualification of any person has been revoked, the Board may issue a certificate of qualification to him where he,—

(*a*) satisfies the Board that he is of good moral character, and that he is a fit and proper person to be the holder of a certificate of qualification; and

(*b*) pays the prescribed fees. *New.*

MORE THAN ONE PLACE OF BUSINESS.

More than one place of business.

17. Where a funeral director carries on business with the public at more than one place of business,—

(*a*) he may act as manager of only one of such places of business and each of the other places of business shall be deemed to be a branch;

(*b*) he shall employ a different licensed funeral director as manager of each branch; and

(*c*) the manager of each branch shall have his ordinary residence,

(i) in the same municipality as the branch, or

(ii) within five miles of the branch. R.S.O. 1937, c. 242, s. 11, *amended.*

LIMITATION OF ACTIONS.

Limitation of actions for negligence.

18. A licensed embalmer or licensed funeral director shall not be liable to any action for negligence or malpractice in respect of professional services requested or rendered, unless such action is commenced within three months from the date when, in the matter complained of, such professional services terminated. R.S.O. 1937, c. 242, s. 22.

SCHOOLS AND COLLEGES.

Schools, colleges.

19. The Board may,—

(*a*) approve any school or college which has for its purpose instruction in embalming and general preparation for and burial of the dead human body; and

(*b*) pay out of the funds held by the Board such sums as it may deem proper to assist in the establishment or maintenance of any such school. *New.*

REGULATIONS.

Regulations.

20. Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

(*a*) prescribing the equipment, facilities and other requirements for approved schools;

(*b*) prescribing the requirements for admission to approved schools;

(*c*) prescribing the courses of training and instruction for approved schools;

(*d*) providing for a system of apprenticeship under articles of apprenticeship for students of approved schools and prescribing a limitation upon or otherwise regulating the number of articled students;

(*e*) providing for the registration of articled students with the Board;

(*f*) providing for the examination of candidates for certificates of qualification;

(*g*) authorizing the Board to alter the requirements of section 14 and the regulations in the case of an applicant for a certificate of qualification who has

had special experience or training either within or outside of Ontario;

(*h*) prescribing jurisdictions for the purpose of subclause iii of clause *a* of subsection 1 of section 14;

(*i*) providing for special courses of training and instruction for holders of certificates of qualification and requiring holders of certificates of qualification to take all or any of such courses;

(*j*) providing for the issue of certificates of qualification and the issue and renewal of licences and permits;

(*k*) prescribing fees payable to the Board by articled students, applicants for certificates of qualification and upon the issue and renewal of licences and permits including special fees payable in special circumstances;

(*l*) prescribing minimum standards for the premises, accommodation and equipment of funeral directors and providing for the inspection and approval thereof; *New.*

(*m*) governing the embalming materials which may be used in embalming a dead human body; R.S.O. 1937, c. 242, s. 12 (2), *amended.*

(*n*) regulating the practice and procedure upon hearings of the Board;

(*o*) defining "infamous or disgraceful conduct in a professional respect";

(*p*) prescribing the books and records to be kept by the Board;

(*q*) prescribing the duties of the secretary-treasurer and the assistant secretary of the Board;

(*r*) providing for the employment by the Board of such persons or services as may be required and for the payment of expenses;

(*s*) providing for the payment of a *per diem* allowance and an allowance for travelling and living expenses to members of the Board while engaged upon the business of the Board; and

(*t*) generally for the better carrying out of the provisions of this Act. *New.*

OFFENCES; PENALTIES.

Offences and penalties.

21.—(1) Every person who,—

(*a*) violates any of the provisions of section 9; or

(*b*) not being the holder of a licence, holds himself out as an embalmer or uses any sign, letters, words or abbreviation implying that he is an embalmer; or

(*c*) not being the holder of a funeral director's licence, holds himself out as a funeral director or uses any sign, letters, words or abbreviation implying that he is a funeral director; or

(*d*) violates any of the other provisions of this Act or the regulations,

shall be guilty of an offence and, subject to subsection 2, liable to a penalty not exceeding $25.

Continuing offence; penalty.

(2) Where an offence prescribed in clause *a*, *b* or *c* of subsection 1 continues beyond one day, the penalty shall be an amount not exceeding $25 for each day during which the offence continues.

Recovery of penalty.

(3) The penalties imposed by this section may be recovered under *The Summary Convictions Act.* R.S.O. 1937, c. 242, ss. 18, 19, 20, *amended.*

Rev. Stat., c. 136.

Rev. Stat., c. 242; 1946, c. 89, s. 17, repealed.

22. *The Embalmers and Funeral Directors Act* and section 17 of *The Statute Law Amendment Act, 1946*, are repealed.

Commencement of Act.

23. This Act shall come into force on Proclamation.

Short title.

24. This Act may be cited as *The Embalmers and Funeral Directors Act, 1947.*

CHAPTER 34.

An Act to amend The Extra Provincial Corporations Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 2 of *The Extra Provincial Corporations Act* is amended by striking out the paragraph commencing "Class 5." as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1940*, and by adding thereto the following paragraph: Rev. Stat., c. 252, s. 2, amended.

Class 7*a*. Corporations of a class exempted by the Lieutenant-Governor in Council.

(2) The said section 2 is further amended by adding thereto the following subsection: Rev. Stat., c. 252, s. 2, amended.

(2) The Lieutenant-Governor in Council may prescribe any class or classes of extra provincial corporations which shall not be required to take out a license under this Act. Exemption by Lieutenant-Governor in Council.

2. This Act may be cited as *The Extra Provincial Corporations Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 35.

An Act respecting Farm Products Containers.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "association" shall mean The Ontario Beekeepers' Association, The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association, within the meaning of *The Agricultural Associations Act;* "association"; Rev. Stat., c. 80.

(*b*) "Commissioner" shall mean the Commissioner of Marketing; "Commissioner";

(*c*) "container" shall include any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of fruit, honey or vegetables; "container";

(*d*) "dealer" shall mean any person engaged in the business of selling containers to producers of fruit, honey or vegetables; "dealer";

(*e*) "licence" shall mean a licence issued under this Act; "licence";

(*f*) "Minister" shall mean Minister of Agriculture; and "Minister";

(*g*) "product" shall mean honey and any fruit or vegetable. "product".

2. The Commissioner shall be responsible to the Minister for the administration and enforcement of this Act. Administration and enforcement of Act.

3. When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of a specified product or specified products who purchases containers therefor, be required to obtain a licence and to pay licence fees, the Establishment of fund for association.

Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association is fairly representative of producers of the specified product or products, make an order,—

(*a*) providing for the licensing of such producers and requiring every such producer to pay to the association licence fees in different amounts and fixing the amount of such fees payable in instalments;

(*b*) exempting any class of producers from the provisions of the order;

(*c*) requiring every dealer who sells containers to a producer to collect the amount of the licence fees from the producer and to pay such amounts to the association;

(*d*) preventing the association from using any such amounts for the retail or wholesale distribution or processing of the product; and

(*e*) requiring the association and dealers to furnish to the Commissioner such information and financial statements as the Commissioner may determine.

Penalties.

4.—(1) Every person who violates any of the provisions of any order of the Minister made under section 3 shall be guilty of an offence and liable to a penalty of not less than $10 and not exceeding $50 for a first offence and to a penalty of not less than $50 and not exceeding $200 for a subsequent offence.

Recovery of penalties.

Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act.*

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Farm Products Containers Act, 1947.*

CHAPTER 36.

An Act to amend The Farm Products Grades and Sales Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "grades" the words "and classes", so that the said clause shall now read as follows: Rev. Stat., c. 307, s. 2, subs. 1, cl. *a*, amended.

(*a*) establishing grades and classes for any farm product.

2. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 37.

The Fire Departments Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,— Interpretation,—

(*a*) "members", when used in relation to a fire department, shall include all persons regularly employed in the fire department on a full-time salaried basis; and "members";

(*b*) "permanent fire department" shall mean a fire department established by a municipality under the provisions of *The Municipal Act* where the officers and employees, or any of them, are regularly employed by the municipality on a full-time salaried basis, but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department. 1944, c. 20, s. 1, *part*, *amended*. "permanent fire department". Rev. Stat., c. 266.

PLATOON SYSTEMS.

2. Where in any municipality having a population of not less than 10,000 there is a permanent fire department, the members of such fire department shall be divided into two platoons who shall work according to one of the following systems: Two platoon system.

No. 1 System—A platoon shall not be kept on duty for more than twenty-four consecutive hours, after which such platoon shall be allowed twenty-four consecutive hours off duty; or

No. 2 System—Each platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed immediately by ten consecutive hours off duty, and the platoons shall alternate every seventh day from night work to day work and *vice versa*. 1944, c. 20, s. 1, *part*, *amended*.

Three platoon system.

3. Notwithstanding the provisions of section 2, any municipality may establish a three platoon system under which each platoon shall work eight consecutive hours followed immediately by sixteen consecutive hours off duty, the platoons to rotate in their periods of duty or time off as may be arranged for the purpose of changing shifts every seven days. 1945, c. 8, s. 1, *part*.

Alternative system.

4. Notwithstanding the provisions of sections 2 and 3, any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may in his discretion recall to duty the members who are not on duty. 1946, c. 31, s. 1.

DAYS OFF.

Weekly day off duty.

5.—(1) Where in any municipality there is a permanent fire department, every member of the department shall be off duty for one full day of twenty-four hours in every calendar week, but where a two platoon system or a three platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. R.S.O. 1937, c. 282, s. 3; 1944, c. 20, s. 2, *amended*.

Time off duty.

(2) Nothing in this Act shall be deemed to prohibit any municipality from granting more than one day off duty in every calendar week for the members of the fire department. 1945, c. 8, s. 1, *part*.

Act not to affect salaries or holidays of employees.

6. No deduction shall be made from the pay or the holidays of the members of a permanent fire department by reason of the provisions of this Act. R.S.O. 1937, c. 282, s. 2.

BARGAINING AND ARBITRATION.

Bargaining.

7.—(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when

requested by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions.

Trade union.

(2) Where not less than fifty per centum of the members of the fire department belong to a trade union any request made under subsection 1 shall be made by the union.

Affiliated bodies.

(3) In every case the members of the bargaining committee shall be members of the fire department, but where not less than fifty per centum of the members of the fire department belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,—

(*a*) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(*b*) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. *New.*

Board of arbitration.

8.—(1) Where, after bargaining under section 7, the council of the municipality or the bargaining committee is satisfied that an agreement cannot be reached, it may by notice in writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member.

(2) Where either party fails to appoint a member of the board of arbitraton within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. *New.*

Effect of agreement or award.

9.—(1) Every agreement made under section 7 and every decision or award of a majority of the members of the board of arbitration under section 8, shall be binding upon the council of the municipality and the members of the fire department.

Commencement of agreement or award.

(2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

Duration of agreement or award.

(3) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. *New.*

MUNICIPAL BY-LAWS.

Act to prevail over municipal regulations.

10. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. R.S.O. 1937, c. 282, s. 4.

PENALTIES.

Penalties.

11.—(1) Every fire chief, superintendent, director or officer of a fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than $10 nor more than $100. R.S.O. 1937, c. 282, s. 5.

Penalties,—recovery of.

Rev. Stat., c. 136.

(2) The penalties imposed under the authority of subsection 1 shall be recoverable under *The Summary Convictions Act*. *New.*

Rev. Stat., c. 282; 1944, c. 20; 1945, c. 8; 1946, c. 31, repealed.

12. *The Fire Departments Act*, *The Fire Departments Amendment Act, 1944*, *The Fire Departments Amendment Act, 1945*, and *The Fire Departments Amendment Act, 1946*, are repealed.

Short title.

13. This Act may be cited as *The Fire Departments Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 38.

An Act to provide for Forest Management.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "annual plan" shall mean a plan furnished under section 3; "annual plan";

(*b*) "approved" shall mean approved by the Minister; "approved";

(*c*) "Crown timber area" shall mean an area on which any of the timber is the property of the Crown whether such area comprises Crown lands, patented lands, or both; "Crown timber area";

(*d*) "master plan" shall mean a plan furnished under section 2; and "master plan";

(*e*) "Minister" shall mean Minister of Lands and Forests. "Minister".

2.—(1) Every person who has cutting rights in a Crown timber area shall, when required by the Minister, furnish to him,— Inventory and master plan to be furnished.

(*a*) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;

(*b*) a proposed master plan for managing the Crown timber area and utilizing the timber thereon; and

(*c*) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units.

(2) The Minister may approve a master plan as submitted to him or may approve it with such alterations therein as he may deem advisable. Approval of master plan.

Management of area according to plan.

(3) Subject to section 3, a person who has received a request to furnish a master plan shall manage the Crown timber area covered by it and utilize the timber thereon in accordance with the provisions of the approved master plan.

Master plan to govern.

Rev. Stat., c. 36.

(4) Where conflict exists between an approved master plan and any agreement made or licence granted under *The Crown Timber Act*, the provisions of the master plan shall govern.

Information to be furnished annually.

3.—(1) Every person who is required to furnish a master plan shall annually during the life of such master plan, furnish to the Minister,—

(*a*) at least sixty days before cutting operations commence, a plan for cutting operations to be conducted during the twelve-month period commencing on the 1st day of April; and

(*b*) on or before the 31st day of October, a map indicating the cut-over areas together with a statement showing the amount, species and size of timber cut from each cutting area during the twelve-month period ending March 31st of that year.

Alteration in plan.

(2) The Minister may direct such alteration to be made in an annual plan as he deems advisable and where such alteration involves the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly.

Cessation of cutting operations.

4. The Minister may direct the cessation of cutting operations until a master plan has been approved.

Suspension or cancellation of agreement or licence.

5. Where any person fails to comply with an approved master plan, the Minister may suspend or cancel the agreement, or licence, or both, under which he derives his cutting rights.

Regulations.

6. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the manner of preparing and the form of inventories, maps and statements required under this Act and governing the accuracy and verification thereof; and

(*b*) generally for the better carrying out of the provisions of this Act.

Commencement of Act.

7. This Act shall come into force on the 1st day of June, 1947.

Short title.

8. This Act may be cited as *The Forest Management Act, 1947*.

CHAPTER 39.

An Act to amend The Fuel Supply Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Fuel Supply Act* is repealed and the following substituted therefor: Rev. Stat., c. 53, s. 9, re-enacted.

9.—(1) Where the context permits, this Act shall extend to and include natural gas, artificial gas and every natural or artificial product that may be used to supplement the supply of natural gas. Application of Act.

(2) This Act shall not apply to electricity. Saving.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Fuel Supply Amendment Act, 1947.* Short title.

CHAPTER 40.

An Act to amend The Game and Fisheries Act, 1946.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c*, *d* and *n* of section 1 of *The Game and Fisheries Act, 1946*, are repealed and the following substituted therefor: 1946, c. 33, s. 1, cls. *c*, *d*, *n*, re-enacted.

(*c*) "Department" shall mean Department of Lands and Forests; "Department";

(*d*) "Deputy Minister" shall mean Deputy Minister of Lands and Forests; "Deputy Minister";

. . . . . .

(*n*) "Minister" shall mean Minister of Lands and Forests. "Minister".

2. Section 3 of *The Game and Fisheries Act, 1946*, is amended by striking out all the words after the word "Minister" in the third line, so that the said section shall now read as follows: 1946, c. 33, s. 3, amended.

3. The administration of this Act and all matters in respect to game and fish, notwithstanding any other Act, shall be under the control and direction of the Minister. Administration.

3. Section 4 of *The Game and Fisheries Act, 1946*, is repealed. 1946, c. 33, s. 4, repealed.

4. Section 6 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 6, re-enacted.

6. The expenses incurred in the administration and enforcement of the provisions of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. Expenses.

1946, c. 33, amended.

5. *The Game and Fisheries Act, 1946*, is amended by adding thereto the following sections:

Restrictions in trapping licences for Crown land.

8*a*.—(1) A licence to trap fur-bearing animals on Crown lands shall be subject to such limitations as to territory and the number of fur-bearing animals which may be taken as the Minister may deem proper.

Limitation of number of licences.

(2) The Minister may limit the number of licences to be issued for any area of Crown land.

Hunting in provincial parks.

8*b*.—(1) Except as provided in the regulations, no person shall hunt, take, molest, wound, trap, kill, destroy or possess, or attempt to hunt, take, molest, wound trap, kill, or destroy any bird, fur-bearing animal or game within the limits of a provincial park.

Weapons, etc. in provincial parks.

(2) Except as provided in the regulations, no person shall carry or use, within the limits of a provincial park, any trap, fire-arm, explosive, or any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, fur-bearing animal or game.

1946, s. 33, s. 10, amended.

6.—(1) Section 10 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection:

Fire-arms and air-guns.

(1*a*) Except under a licence, no person shall carry or use any fire-arm or air-gun from and including the 1st day of March to and including the 31st day of August in any year for the purpose of hunting any bird or animal not protected by the *Migratory Birds Convention Act* (Canada), this Act or the regulations.

R.S.C., c. 130.

1946, c. 33, s. 10, subs. 2, amended.

(2) Subsection 2 of the said section 10 is amended by striking out the word and figure "Subsection 1" in the first line, and inserting in lieu thereof the words and figures "Subsections 1 and 1*a*", so that the said subsection shall now read as follows:

Exceptions as to farmers.

(2) Subsections 1 and 1*a* shall not apply to a farmer or his sons residing and hunting on his lands.

1946, c. 33, s. 10, subs. 3, amended.

(3) Subsection 3 of the said section 10 is amended by inserting after the figure "1" in the first line the word, figure and letter "or 1*a*", so that the said subsection shall now read as follows:

Power of fire-arms.

(3) The holder of a licence issued under subsection 1 or 1*a* shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a

"twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found.

7.—(1) Subsection 1 of section 15 of *The Game and Fisheries Act, 1946*, is amended by striking out the words "moose or fox" in the second line and inserting in lieu thereof the words "or moose", so that the said subsection shall now read as follows: 1946, c. 33, s. 15, subs. 1, amended.

(1) Except under a licence no person shall use or be accompanied by a dog while hunting deer or moose. Dog licence for hunting game.

(2) Subsection 2 of the said section 15 is repealed. 1946, c. 33, s. 15, subs. 2, repealed.

8. *The Game and Fisheries Act, 1946*, is amended by adding thereto the following section: 1946, c. 33, amended.

18*a*. Except under a licence, no person shall use a trap to take turtles. Turtles.

9. Subsection 2 of section 19 of *The Game and Fisheries Act, 1946*, is repealed. 1946, c. 33, s. 19, subs. 2, repealed.

10. Section 27 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection: 1946, c. 33, s. 27, amended.

(1*a*) Beaver skins and pelts shall be sealed or marked by an officer before sale, and no fur dealer or buyer shall have unsealed or unmarked beaver skins or pelts in his possession. Sealing or marking of beaver skins.

11.—(1) Clause *b* of section 29 of *The Game and Fisheries Act, 1946*, is amended by adding at the end thereof the words "or fox", so that the said clause shall now read as follows: 1946, c. 33, s. 29, cl. *b*, amended.

(*b*) molest, injure or destroy a den or usual place of habitation of any fur-bearing animal other than a skunk or fox. Dens of fur-bearing animals.

(2) Clause *e* of the said section 29 is amended by adding after the word "Grenville" in the second line the word "Grey", so that the said clause shall now read as follows: 1946, c. 33, s. 29, cl. *e*, amended.

(*e*) use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Snares prohibited in certain counties. Proviso.

Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

1946, c. 33, s. 54, subs. 2, amended.

12. Subsection 2 of section 54 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "Department" in the fourth line the words "or by the Department of Game and Fisheries", so that the said subsection shall now read as follows:

Lease of fishing rights.

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department or by the Department of Game and Fisheries at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister.

1946, c. 33, s. 58, subs. 4, cl. *b*, amended.

13. Clause *b* of subsection 4 of section 58 of *The Game and Fisheries Act, 1946*, is amended by adding at the end thereof the words "or by the Department of Game and Fisheries", so that the said clause shall now read as follows:

(*b*) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department or by The Department of Game and Fisheries.

1946, c. 33, s. 66, amended.

14. Section 66 of *The Game and Fisheries Act, 1946*, is amended by striking out the word "Minister" where it occurs in the first and sixth lines respectively, and inserting in lieu thereof the words "Deputy Minister", so that the said section shall now read as follows:

Refund of fees.

66. The Deputy Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Deputy Minister, shall cause the refund to be made to the holder of the licence.

1946, c. 33, s. 72, amended.

15. Section 72 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following clauses:

(*aa*) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, and prescribing the conditions governing such transfers;

. . . . . .

(*bb*) prescribing the manner in which beaver skins or pelts shall be sealed or marked before sale;

. . . . . .

(*dd*) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of April to the 31st day of October in any year;

. . . . . .

(*gg*) prescribing the conditions under which birds, fur-bearing animals and game may be taken or killed in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks;

Commencement of Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

17. This Act may be cited as *The Game and Fisheries Amendment Act, 1947*.

CHAPTER 41.

An Act to amend The Gasoline Tax Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Gasoline Tax Act*, as amended by section 1 of *The Gasoline Tax Amendment Act, 1939*, is further amended by striking out the word "eight" in the third line and inserting in lieu thereof the word "eleven", so that the said section shall now read as follows: Rev. Stat., c. 32, s. 2, amended.

2. Every purchaser of gasoline shall pay to the Minister for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of eleven cents per imperial gallon on all gasoline purchased or delivery of which is received by him. Tax payable by purchaser.

2. This Act shall come into force on the 1st day of April, 1947. Commencement of Act.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1947*. Short title.

CHAPTER 42.

An Act to amend The High Schools Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 4 and 5, as re-enacted by sections 1 and 2 of *The High Schools Amendment Act, 1946;* section 6, as amended by section 11 of *The School Law Amendment Act, 1938*, subsections 1 and 2 of section 2 of *The School Law Amendment Act, 1940*, section 6 of *The School Law Amendment Act, 1941*, and section 3 of *The High Schools Amendment Act, 1946;* and section 7, as amended by section 12 of *The School Law Amendment Act, 1938*, of *The High Schools Act*, are repealed and the following substituted therefor: Rev. Stat., c. 360, ss. 4, 5 (1946, c. 37, ss. 1, 2), 6, 7, re-enacted.

4.—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties, may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties. Establishment and discontinuance of high school districts.

(2) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district. In territorial districts.

(3) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein. Time of passing and effective date of by-law.

First meeting of new board.

(4) The clerk of the municipality shall call the first meeting of a newly organized high school board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district, according to the last revised assessment roll, shall call the first meeting.

Establishment of high schools.

(5) The board of a high school district established under subsection 1 or 2 may establish a high school and, with the approval of the Minister, such additional high schools as the board may deem necessary, and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the high school or high schools so established.

Establishment of district in unorganized territory.

(6) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township as a high school district.

Enlargement of districts.

5.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may upon the request of any municipality or municipalities situated within the county or counties and adjoining the high school district, by by-law provide that the whole or part of such municipality or municipalities shall be added to the high school district.

In territorial districts.

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities.

Assets and liabilities of original board.

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of such district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws.

Time of passing and effective date of by-law.

(4) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein.

Decreasing area of high school districts.

6.—(1) Subject to the approval of the Minister the council of a county or the councils of two or more adjoining counties which has or have established a high school district, may, upon the request of the council of a municipality which forms part of the high school district, by by-law detach the whole or any part of the municipality from the high school district, and such by-law shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Payment of rates.

(2) Where a municipality or part thereof is detached from a high school district under subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law or by-laws.

City and separated town a high school district.

7.—(1) Subject to the provisions of subsection 3, every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister.

Additional schools.

(2) Where a high school has been established in a city or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management thereof.

Discontinuing district in city or separated town.

(3) Subject to the approval of the Minister the council of a city or separated town in a county may by by-law discontinue its high school district, and

(*a*) provide for the inclusion of such city or separated town in a new high school district; or

(*b*) provide that such city or separated town be added to an existing high school district.

Increasing district of city or separated town.

(4) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separ-

ated town be added to the high school district of the city or separated town.

Time of passing and effective date of by-law.

(5) A by-law passed under subsection 3 or 4 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Conditions re by-laws.

7*a*.—(1) No by-law,—

(*a*) passed under subsection 1 of section 4 establishing a new high school district, by which a city or separated town is included in the high school district; or

(*b*) passed under subsection 1 of section 5 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 3 of section 7.

Idem.

(2) No by-law passed under subsection 4 of section 7 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 5.

Assets and liabilities of discontinued boards.

7*b*. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district, or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided in the by-laws discontinuing the high school district.

Interpretation "adjoining".

7*c*. In sections 4 to 7*b* inclusive, "adjoining" shall mean touching at any point, and where more than two counties or municipalities are concerned they shall be deemed to be adjoining if each of such counties or municipalities adjoins one or more of the other counties or municipalities.

2. Section 13 of *The High Schools Act*, as amended by section 14 of *The School Law Amendment Act, 1938*, and subsection 1 of section 8 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 13, re-enacted.

13.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, subject to *The Boards of Education Act*, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows,— Appointment of trustees,— Rev. Stat., c. 361.

(*a*) where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year; where one municipality;

(*b*) where the district comprises two municipalities, where two municipalities;

(i) the council of a municipality having a population within the district of 3,000 or more according to the last revised assessment roll shall appoint three trustees, and

(ii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint two trustees,

one of whom in each case shall retire each year; and

(*c*) where the district comprises more than two municipalities, where more than two municipalities.

(i) the council of a municipality having a population within the district of 6,000 or more according to the last revised assessment roll shall appoint three trustees, one of whom shall retire each year,

(ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 according to the last revised assessment roll shall appoint two trustees, one of whom shall retire each year, and

(iii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint one trustee who shall hold office for two years.

Part of a municipality not deemed a municipality.

(2) A part of a municipality which is assessed for school purposes in the high school district for less than $50,000 shall not be deemed a municipality for the purposes of this section.

Where city or separated town included in district.

(3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes, and a city or separated town, trustees shall be appointed as provided in subsection 1 and in addition the council of the city or separated town shall appoint three trustees, one of whom shall retire each year.

Appointment of additional trustees, by county council.

(4) Subject to section 13*a*, in addition to the trustees appointed in accordance with subsections 1 and 3,—

(*a*) where the whole of the high school district is situated within one county, the council of the county may appoint one trustee who shall hold office for one year; or

(*b*) where the high school district comprises two or more counties or parts thereof, the council of the county having the largest population within the district according to the last revised assessment roll may appoint one trustee who shall hold office for one year.

Trustees where district enlarged or decreased.

(5) Where a high school district is enlarged or decreased, the trustees shall be appointed as if the enlarged or decreased district were a new district.

Rev. Stat., c. 360, s. 19, re-enacted.

3. Section 19 of *The High Schools Act* is repealed and the following substituted therefor:

Representation of separate school boards.

19.—(1) Where one separate school is maintained in a high school district, the board of separate school trustees may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year.

Idem.

(2) Where more than one separate school is maintained in a high school district, the board of trustees of the separate school or schools having the highest average attendance of pupils below grade IX for the

preceding year, as certified by the separate school inspector, may appoint to the board one trusteee who shall not be a member of the separate school board and who shall hold office for one year.

4. Section 20 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 20, re-enacted.

20.—(1) Where one public school is maintained in a high school district, the board of public school trustees may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year. Representation of public school boards.

(2) Where more than one public school is maintained in a high school district, the board of trustees of the public school or schools having the highest average attendance of pupils below grade IX for the preceding year, as certified by the public school inspector, may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year. Idem.

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where,— Appointment to first board of new district.

(*a*) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and

(*b*) the average attendance of pupils below grade IX for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the board one trustee who shall not be a member of the board of education and who shall hold office for one year.

5. Section 24 of *The High Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 360, s. 24, amended.

(*r*) to provide, in the case of a high school district which comprises two or more municipalities or parts thereof, for the payment of current operating costs, and if necessary to borrow on the promissory note of the board, under its corporate seal, at interest not Payment of current operating costs and borrowing power.

exceeding eight per centum per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received.

Rev. Stat., c. 360, s. 25, amended.

6. Section 25 of *The High Schools Act* is amended by adding thereto the following subsection:

Mileage allowance.

(2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year.

Rev. Stat., c. 360, s. 50, re-enacted.

7. Section 50 of *The High Schools Act* is repealed and the following substituted therefor:

Admission on Entrance Certificate.

50.—(1) Where an applicant holds a High School Entrance Certificate he shall be admitted to grade IX.

Admission on recommendation.

(2) An applicant who does not hold a High School Entrance Certificate and did not write the last preceding high school entrance examinations, shall be admitted to a high school where,—

(*a*) the high school principal and public school inspector recommend to the Minister that he be admitted; and

(*b*) the Minister approves the recommendation.

Contents of recommendation.

(3) The recommendation shall,—

(*a*) be signed by the high school principal and public school inspector; and

(*b*) set forth the age and school record of the applicant and the reason he did not write the last preceding high school entrance examinations.

Admission to grades X to XIII.

(4) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

(5) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission, he may place him in a lower grade. Reduction in grade by principal.

(6) A candidate shall be entitled to enter a high school which is conducted at night if, in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the regulations, but such admission shall not entitle him to admission to the high school when conducted by day. Admission to night high schools.

8. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947. Commencement of Act.

9. This Act may be cited as *The High Schools Amendment Act, 1947*. Short title.

(NOTE: For further amendments to *The High Schools Act*, see *The High Schools Amendment Act, 1947 (No. 2)*, which appears as chapter 43 of this volume.)

CHAPTER 43.

An Act to amend The High Schools Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The High Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 360, s. 1, subs. 1, amended.

(*dd*) "Equalized assessment" shall have the same meaning as in *The Assessment Act.* "Equalized assessment" Rev. Stat., c. 272.

2. Clause *b* of subsection 1 of section 36 of *The High Schools Act*, as re-enacted by subsection 1 of section 7 of *The School Law Amendment Act, 1943*, is amended by striking out the words "but excluding those made for permanent improvements to high schools and continuation schools" in the fourth, fifth and sixth lines, so that the said clause shall now read as follows: Rev. Stat., c. 360, s. 36, subs. 1, cl. *b* (1943, c. 26, s. 7, subs. 1), amended.

(*b*) Secondly, the total gross current revenues for the same calendar year from legislative grants, including grants for permanent improvements to vocational schools and vocational school departments, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except from taxation shall be ascertained.

3. Section 42 of *The High Schools Act*, as re-enacted by section 9 of *The High Schools Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 42 (1946, c. 37, s. 9), re-enacted.

42. The council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,— Rates.

(*a*) maintenance of the high school or high schools within the jurisdiction of the board;

(*b*) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and

(*c*) capital expenditures out of current revenue not exceeding $5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8 or 8*a*, as the case may be, of section 43.

Rev. Stat., c. 360, s. 43, amended.

4. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act, 1938*, and section 10 of *The High Schools Amendment Act, 1946*, is further amended by adding thereto the following subsections:

Proportionate liability for debenture debt.

(8) Where a high school district comprises more than one municipality or more than one municipality and a part or parts of one or more municipalities and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Idem.

(8*a*) Where a high school district comprises a city or separated town and one or more municipalities or parts of municipalities that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality, or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the municipalities or parts, and the council of each munici-

pality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Surplus.

(8*b*) Where in any year the receipts of a board from all sources including legislative grants results in a surplus, the board shall pay to the municipality that has issued the debentures the amount of the surplus up to but not exceeding the amount due in the following year for principal and interest on the debentures and the amount for which each municipality shall be liable in the following year in respect of the principal and interest on the debentures shall be reduced accordingly.

Commencement of Act.

5. This Act shall come into force on the 31st day of December, 1947.

Short title.

6. This Act may be cited as *The High Schools Amendment Act, 1947 (No. 2).*

CHAPTER 44.

An Act to amend The Highway Improvement Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Improvement Act*, as amended by section 1 of *The Highway Improvement Amendment Act, 1944*, is further amended by relettering clause *a* as clause *aa* and adding thereto the following clause: Rev. Stat., c. 56, s. 1, amended.

(*a*) "Approved" shall mean approved by the Minister or of a type approved by the Minister. "Approved".

2. Subsection 4 of section 8 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 8, subs. 4, re-enacted.

(4) All payments which shall be made under this Act, *The Highway Traffic Act*, *The Gasoline Tax Act* and any other Acts administered by the Minister, except those for which an annual appropriation is made by the Legislature, shall be payable out of the Consolidated Revenue Fund and shall be chargeable to the Fund and be debited to the Highway Improvement Fund Account. Payments out of Fund. Rev. Stat., cc. 288, 32

3. Subsection 2 of section 18 of *The Highway Improvement Act*, as re-enacted by section 5 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the seventh line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows: Rev. Stat., c. 56, s. 18, subs. 2 (1944, c. 23, s. 5), amended.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert, an amount not exceeding eighty per centum, of the amount of the expenditure which Payment to county.

is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat., c. 56, s. 23, subs. 2 (1944, c. 23, s. 9), amended.

4. Subsection 2 of section 23 of *The Highway Improvement Act*, as re-enacted by section 9 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the third line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows:

Aid to county bridges.

(2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding eighty per centum of the cost of constructing, maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

Rev. Stat., c. 56, s. 27, subs. 3, repealed.

5. Subsection 3 of section 27 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, s. 29*a* (1944, c. 23, s. 11), repealed.

6. Section 29*a* of *The Highway Improvement Act*, as enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat., c. 56, s. 38, subs. 1 (1944, c. 23, s. 16), amended.

7. Subsection 1 of section 38 of *The Highway Improvement Act*, as re-enacted by section 16 of *The Highway Improvement Amendment Act, 1944*, and amended by section 5 of *The Highway Improvement Amendment Act, 1945*, is further amended by striking out the word "seventy-five" where it occurs in the amendment of 1945 and inserting in lieu thereof the word "eighty" and by adding at the end thereof the words "or town", so that the said subsection shall now read as follows:

Commission to direct work on suburban roads.

(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province, but where expenditure is made on a bridge or culvert the Minister may direct that the Province shall bear a greater proportion, not exceeding eighty per centum thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or town.

8. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 56, amended.

Contribution of city or town in a provisional judicial district to improvement of township roads.

51.—(1) The corporation of a city or town situate in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of the council thereof, may agree with the corporation of a township situate in territory surrounding such city or town to share, as provided by subsection 2, the cost of construction, improvement, maintenance and repair of any road in such township which leads or is adjacent to such city or town or which, by reason of the existence of such city or town, is subject to extraordinary traffic.

How cost to be borne.

(2) Where the cost of construction, improvement, maintenance and repair of a road in any township is shared by a city or town under an agreement made pursuant to this section, the Minister may direct that there shall be paid to the township out of the Fund such proportion of the expenditure made on such road as is fixed under the provisions of this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town.

9.—(1) *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat., c. 56, amended.

PART IVC.

ROADS IN CITIES, TOWNS AND VILLAGES.

City, town or village may submit expenditure by-law,—exception.

52*f*. The council of every city, town and village, except a city or town situate in a county but separated therefrom for municipal purposes which does not contribute towards the construction and maintenance of suburban roads under Part III, may submit to the Minister, for approval, a by-law to provide for expenditure under this Part on the construction, improvement, maintenance and repair of the roads or streets under its jurisdiction carried out in each year.

By-law to provide for estimated expenditure.

52*g*. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 28th day of February of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister.

Estimated expenditure for calendar year.

52*h*. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year provided for in a by-law passed under this Part shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for that year have been or are to be levied.

Statements to Minister.

52*i*.—(1) Where the Minister has approved of a by-law to provide for expenditure under this Part the council of the city, town or village shall, at the close of the calendar year, and with the consent of the Minister may, at any time during the progress of the work of construction, improvement, maintenance or repair of the roads or streets under its jurisdiction, submit to the Minister,—

(*a*) a detailed statement of receipts and expenditures in a form prescribed by the Minister;

(*b*) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

(*c*) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and

(*d*) a petition for the payment of the grant authorized by resolution of the council.

Payment of subsidy to city, town or village.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the municipality out of

the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Expenditures eligible for subsidy.

52*j*. Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,—

(*a*) opening a new road or street and acquiring the necessary land therefor;

(*b*) clearing a road or street of obstructions;

(*c*) widening, altering or diverting a road or street;

(*d*) subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road or street by an operating corporation; Rev. Stat., c. 57.

(*e*) constructing and maintaining bridges, culverts or other structures other than sewers incidental to the construction of a road or street;

(*f*) grading;

(*g*) constructing and maintaining an approved base for the road surface including the installing and maintaining of approved underdrainage therefor other than sewers;

(*h*) constructing and maintaining any approved type of road surface;

(*i*) constructing and maintaining necessary curbs, gutters and catch basins;

(*j*) clearing snow and applying chemicals or abrasives to icy surfaces; and

(*k*) such other purposes of road improvement as the Minister may approve.

Opening or constructing street in subdivision not eligible.

52*k*.—(1) Expenditures made for opening or constructing any street shall not be deemed to be properly chargeable to road improvement under this Part unless by reason of its being or its being designed or

intended to be a main thoroughfare for through traffic it is in the public interest that such street should be opened or constructed, but in no case where the land in a subdivision is being developed and sold for speculation shall the expenditure made for opening or constructing any street therein be deemed to be so chargeable.

"Subdivision", defined.

(2) In this section "subdivision" shall mean the whole or any part of an original township lot which has been subdivided into building lots.

Expenditures,— how provided for.

52*l*. No expenditures except those which are provided for entirely by the aid which may be granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality, or by the issue of debentures to be retired by a general rate so levied shall be included in the statement submitted under section 52*i* except with the consent of the Minister.

King's Highway extension or connecting link.

52*m*. In the case of a city or separated town, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the construction, improvement, maintenance and repair of the roads or streets which he may designate as extensions or connecting links of the King's Highway.

County road extension or connecting link.

52*n*. In the case of a town or village forming part of a county for municipal purposes, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the maintenance of any county road extension or connecting link in such town or village.

Submission of by-law under s. 52*f*.

(2) A by-law passed in 1947 under section 52*f* of *The Highway Improvement Act*, as enacted by this section, may be submitted not later than the 31st day of May or such later date as the Minister of Highways may, in each case, approve, notwithstanding the provisions of section 52*g* of the said Act.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1947*.

CHAPTER 45.

An Act to amend The Highway Traffic Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act*, as amended by section 1 of *The Highway Traffic Amendment Act, 1942*, is further amended by relettering the present clause *a* as clause *aa* and by adding thereto the following clauses: Rev. Stat., c. 288, s. 1, subs. 1, amended.

(*a*) "Built-up area" shall mean the territory contiguous to a highway not within a city, town, village or police village where, "Built-up area";

(i) not less than fifty per centum of the frontage upon one side of the highway for a distance of not less than six hundred feet is occupied by dwellings or dwellings and buildings used for business purposes, or

(ii) not less than fifty per centum of the frontage upon both sides of the highway for a distance of not less than three hundred feet is occupied by dwellings or dwellings and buildings used for business purposes,

and signs are displayed as required by the regulations;

. . . . . .

(*cc*) "Fund" shall mean the Unsatisfied Judgment Fund established under Part XIIIA; "Fund";

. . . . . .

(*nn*) "Regulations" shall mean regulations made under this Act. "Regulations".

2. Subsection 1 of section 23 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1943*, is further amended by striking out the word "re- Rev. Stat., c. 288, s. 23, subs. 1, amended.

voke" in the fifth line and inserting in lieu thereof the word "cancel", by striking out the words "during such suspension and until any such revocation shall be cancelled by the Minister" in the sixth and seventh lines, and by inserting after the word "chauffeur" in the eighth line the words "during such suspension, or in the case of a cancellation, until the the Minister approves", so that the said subsection shall now read as follows:

Power to cancel permit or license and to prohibit driving.

Rev. Stat., c. 289.

(1) The Minister may at any time for misconduct or violation of the provisions of this Act or *The Public Vehicle Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or cancel any permit or license, and no further or other license or permit shall be issued to such owner, operator or chauffeur during such suspension, or in the case of a cancellation, until the Minister approves, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding $500.

Rev. Stat., c. 288, s. 26, re-enacted.

3. Section 26 of *The Highway Traffic Act* as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, section 5 of *The Highway Traffic Amendment Act, 1941*, and section 3 of *The Highway Traffic Amendment Act, 1946*, is repealed and the following substituted therefor:

Rate of speed,—

26.—(1) No motor vehicle shall be operated at a greater rate of speed than,—

(*a*) fifty miles per hour,

(i) upon a highway not within a city, town, village, police village or built-up area, or

(ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway under *The Highway Improvement Act*, whether or not such highway is within a city, town, village, police village or built-up area;

Rev. Stat., c. 56.

(*b*) subject to clause *a*, thirty miles per hour upon a highway within a city, town, village, police village or built-up area;

(*c*) twenty miles per hour over a level railway crossing; or

(*d*) fifteen miles per hour if equipped wholly or in part with solid tires.

in public parks;

(2) The council of any city, town or village may by by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground but such lower speed limit shall not be less than fifteen miles per hour.

fire department vehicles.

(3) Subsections 1 and 2 shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

Penalty.

(4) Any person who violates any of the provisions of this section or any by-law passed under this section shall be guilty of an offience and shall incur, for the first offence, a penalty of not less than $5 and not more than $50; for a second offence a penalty of not less than $10 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than $20 and not more than $200, and in addition, his license or permit may be suspended for any period not exceeding six months.

Rev. Stat., c. 288, s. 27, subs. 1, (1939, c. 20, s. 6), re-enacted.

4. Subsection 1 of section 27 of *The Highway Traffic Act*, as re-enacted by section 6 of *The Highway Traffic Amendment Act, 1939*, and amended by section 6 of *The Highway Traffic Amendment Act, 1941*, is repealed and the following substituted therefor:

Careless driving.

(1) Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable to a penalty of not less than $5 and not exceeding $100, or to imprisonment for a term not exceeding one month, and in addition his license or permit may be suspended for a period not exceeding six months.

Rev. Stat., c. 288, s. 29, repealed.

5. Section 29 of *The Highway Traffic Act* is repealed.

Rev. Stat., c. 288, s. 30, subs. 1, amended.

6. Subsection 1 of section 30 of *The Highway Traffic Act* is amended by inserting after the word "highway" in the second line the words "and in the case of a provincial highway or a highway in territory without municipal organization, the Lieu-

tenant-Governor in Council" and by striking out all the words after the word "bridge" in the sixth line, so that the said subsection shall now read as follows:

Regulations limiting speed on bridges.

(1) The municipal corporation or other authority having jurisdiction over the highway, and in the case of a provincial highway or a highway in territory without municipal organization, the Lieutenant-Governor in Council, may make regulations limiting any vehicle passing over a bridge to a speed of not less than five miles per hour, and notice of the limit of speed fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

Rev. Stat., c. 288, s. 31, subs. 1, amended.

7. Subsection 1 of section 31 of *The Highway Traffic Act* is amended by striking out the words and figures "Subject to the provisions of sections 29 and 30" in the first line, so that the said subsection shall now read as follows:

Unnecessarily slow driving prohibited.

(1) No motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

Rev. Stat., c. 288, s. 33, amended.

8. Section 33 of *The Highway Traffic Act*, as amended by section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Weight of vehicles passing over bridge,— regulations as to.

(9) The Lieutenant-Governor in Council may make regulations limiting the weight of any vehicle passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice, shall apply thereto.

Rev. Stat., c. 288, s. 39, subs. 4, amended.

9. Subsection 4 of section 39 of *The Highway Traffic Act* is amended by striking out the words "three or more" in the first line, so that the said subsection, exclusive of the clauses, shall now read as follows:

Where highway divided into lanes.

(4) Where a highway has been divided into clearly marked lanes for traffic,—

. . . . . .

Rev. Stat., c. 288, s. 40, amended.

10.—(1) Section 40 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

(1*a*) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon a provincial highway. Parking on provincial highway.

(2) Subsection 2 of the said section 40 is amended by inserting after the word "section" in the third line the words "or the regulations", so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 40, subs. 2, amended.

(2) Whenever a constable or an officer appointed for carrying out the provisions of this Act shall find a vehicle upon a highway in violation of the provisions of this section or the regulations, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same. Removal of car parked at prohibited place.

(3) The said section 40 is further amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 40, amended.

(3*a*) No person shall park or leave any vehicle upon a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion. Precaution against vehicle being set in motion.

(4) Subsection 7 of the said section 40, as enacted by section 5 of *The Highway Traffic Amendment Act, 1946*, is amended by striking out the words "the travelled portion of" in the third and fourth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 40, subs. 7, (1946, c. 39, s. 5), amended.

(7) Notwithstanding the provisions of this section no person shall park or leave standing any vehicle whether attended or unattended upon any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway. Vehicle interfering with traffic.

11. Subsection 2 of section 55 of *The Highway Traffic Act* is amended by inserting after the figure "7" in the fifth line the words and figures "subsection 2 of section 23" and by striking out the figures "51" in the sixth line and inserting in lieu thereof the figures "67", so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 55, subs. 2, amended.

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a violation of any of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; subsection 2 of section 23; section 27, 28, 32, 45 or 67 has been Arrests by peace officer without warrant.

 committed,

committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not.

Rev. Stat., c. 288, s. 67, re-enacted.

12. Section 67 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for operating vehicle when permit suspended or cancelled.

67.—(1) Any person who operates a motor vehicle the permit for which is under suspension or has been cancelled and any chauffeur or operator whose license is under suspension or has been cancelled who operates a motor vehicle shall incur for a first offence a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for a term not exceeding six months.

Forfeiture of vehicle on conviction.

(2) Where any person is convicted of operating a motor vehicle the permit for which is under suspension or has been cancelled, such motor vehicle shall be forfeited to His Majesty in right of Ontario.

Rev. Stat., c. 288, s. 78, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 78 of *The Highway Traffic Act*, as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, section 12 of *The Highway Traffic Amendment Act, 1939*, and section 16 of *The Highway Traffic Amendment Act, 1941*, is repealed and the following substituted therefor:

Licenses suspended for convictions.

(1) The driver's license and owner's permit or permits of every person who has been convicted of, or committed for trial, or has forfeited his bail after having been arrested for any one of the following offences or violations of law, namely,—

(*a*) any offence for which a penalty is provided in this Act, if the death or injury to any person or property occurs in connection therewith;

(*b*) any offence under this Act if the penalty imposed includes suspension or revocation of the driver's license or owner's permit; or

(*c*) any offence under section 284, 285 or 377 of the *Criminal Code* (Canada) involving the use of a motor vehicle,

shall

shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility.

Rev. Stat., c. 288, s. 78, subs. 2, amended.

(2) Subsection 2 of the said section 78 is amended by striking out the word "or" in the third line and inserting in lieu thereof the words "of, or committed for trial, or has", by striking out the word "Minister" in the seventh line and inserting in lieu thereof the word "Registrar" and by striking out the words "the said conviction" in the tenth and eleventh lines and inserting in lieu thereof the words "the conviction or committal", so that the said subsection shall now read as follows:

Conviction in other provinces or states.

(2) Upon receipt by the Registrar of official notice that the holder of a driver's license, or owner's permit under this Act, has been convicted of, or committed for trial, or has forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Registrar shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the conviction or committal had been made or the bail forfeited in Ontario.

Rev. Stat., c. 288, s. 79, subs. 1, amended.

14. Subsection 1 of section 79 of *The Highway Traffic Act*, as amended by section 18 of *The Highway Traffic Amendment Act, 1938*, is further amended by striking out the words, symbol and figures "in excess of $25" in the eighth line and by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Registrar", so that the said subsection shall now read as follows:

License suspended for failure to pay judgment.

(1) Subject to the provisions of section 87, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by

the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat., c. 288, s. 81, re-enacted.

15. Section 81 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Persons responsible for accidents.

81. The Minister may require proof of financial responsibility from any person where,—

(*a*) in the opinion of the Minister such person is responsible in whole or in part for a motor vehicle accident; or

(*b*) having regard to the records of the Department relating to such person, the Minister is of opinion that such requirement is desirable,

and may suspend all owners' permits and drivers' licenses in such cases until proof of financial responsibility has been given.

Rev. Stat., c. 288, amended.

16.—(1) *The Highway Traffic Act* is amended by adding thereto the following Part:

PART XIIIA

Unsatisfied Judgment Fund.

93*a*.—(1) Upon the issue or renewal of a chauffeur's license or operator's license, there shall be payable to the Minister by the person to whom the license or renewal is issued, in addition to the fee prescribed for the license or renewal, such further fee, in this section referred to as the Unsatisfied Judgment Fund fee, as the Lieutenant-Governor in Council may prescribe and the Unsatisfied Judgment Fund fees shall constitute a fund to be known as the Unsatisfied Judgment Fund.

Amount of fee.

(2) The Lieutenant-Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may,—

(*a*) prescribe such Unsatisfied Judgment Fund fee not exceeding $1 as he may deem adequate; or

(*b*) suspend payment of the Unsatisfied Judgment Fund fee for such period as he may prescribe.

Order directing payment of amount of judgment.

93*b*.—(1) Where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

Hearing of application.

(2) Upon the hearing of the application the applicant shall show,—

(*a*) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;

(*b*) that he has caused to be issued a writ of *fieri facias* or execution, and that,

(i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

(ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

(*c*) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;

(*d*) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and

(*e*) that, by such searches, inquiries and examination,

(i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or

(ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

Minister may be heard on application.

(3) The Minister may appear and be heard on the application and may show cause why the order should not be made.

Order of judge directing payment from Fund.

(4) If the judge is satisfied,—

(*a*) of the truth of the matters shown by the applicant as required by subsection 2;

(*b*) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor; and

(*c*) that there is good reason for believing that the judgment debtor,

(i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and

(ii) is not insured under a policy of insurance by the terms of which the insurer

 is

is liable to pay, in whole or in part, the amount of the judgment,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

Amount of payments from Fund.

(5) The Minister shall not pay out of the Fund under an order,—

(*a*) more than $5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

(*b*) not more than $1,000, exclusive of costs, for damage to property resulting from any one accident.

Costs.

(6) The Minister shall not pay out of the Fund, costs, including costs of the application made under this section, of more than actual disbursements and fees as taxed on a party and party basis.

Assignment of judgment to Minister.

93*c*. The Minister shall not pay from the Fund any sum in compliance with an order made under section 93*b* until the judgment creditor assigns the judgment to him.

Cancellation or suspension of license.

93*d*. Where the chauffeur's license or operator's license of any person, or the owner's permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the license or permit restored, nor shall any new license or permit be issued to such person until he has,—

(*a*) repaid in full to the Fund the amount paid out together with interest thereon at four per centum per annum from the date of such payment; and

(*b*) filed proof of his financial responsibility as required by Part XIII.

Where identity of vehicle cannot be established.

93*e*.—(1) Where the death of or injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or injury may, upon notice to the Registrar, apply by way of originating notice,—

(*a*) to a judge or local judge of the Supreme Court for an order permitting him to bring an action against the Registrar of Motor Vehicles in the Supreme Court; or

(*b*) to a judge of a county or district court for an order permitting him to bring an action against the Registrar of Motor Vehicles in such court or in a division court of the same county or district.

Order for action against Registrar.

(2) Where the judge is satisfied that,—

(*a*) the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or injury occasioned by the motor vehicle;

(*b*) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof; and

(*c*) the identity of the motor vehicle and the owner and driver thereof have not been established,

he may make an order permitting the applicant to bring an action against the Registrar.

When Registrar deemed defendant.

93*f*. In an action brought under section 93*e* the Registrar shall for all purposes of the action be deemed to be the defendant.

Where judgment obtained against Registrar.

93*g*.—(1) Where judgment is obtained against the Registrar in an action brought under section 93*e* upon the determination of all proceedings including appeals, the Minister may subject to subsection 2, pay out of the Fund to the plaintiff in the action the amount thereof.

Amount of payment out of Fund.

(2) The Minister shall not pay out of the Fund under any judgment, more than $5,000, exclusive of costs,

on

on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

(3) The Minister shall not pay out of the Fund, costs, including costs of the application made under section 93*e*, of more than actual disbursements and fees as taxed on a party and party basis. Costs.

93*h*.—(1) Where judgment has been obtained against the Registrar in an action brought under section 93*e*, the Registrar may at any time thereafter, by originating notice, apply,— Order of Supreme Court as to owner or driver.

(*a*) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;

(*b*) where judgment has been obtained in a county or district court, to a judge thereof; and

(*c*) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle which occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,— Owner or driver defendant in action.

(*a*) such person shall for the purposes of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and

(*b*) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the fund in respect of the judgment and shall accordingly have all the rights of a judgment creditor including the right to recover any moneys which would have been payable in respect of the death or

injury under any policy of insurance which was in force at the time of the accident.

Practice and procedure.

93*i*. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, shall apply to an application or action brought under this Part.

Application of Part XIIIA.

(2) Part XIIIA shall apply only to motor vehicle accidents occurring in Ontario after the date of the coming into force of the said Part.

Commencement of section.

(3) This section shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

17. This Act, except section 16, shall come into force on the 1st day of July, 1947.

Short title.

18. This Act may be cited as *The Highway Traffic Amendment Act, 1947*.

CHAPTER 46.

The Homes for the Aged Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "Minister" shall mean Minister of Public Welfare; "Minister";

(*b*) "supervisor" shall mean supervisor appointed under *The Department of Public Welfare Act*. *New.* "supervisor."

2.—(1) The corporation of every county shall establish, erect, and at all times maintain, a home for the aged for the reception of persons of the classes described in section 14. Counties required to establish homes for the aged.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous counties may, with the approval in writing of a supervisor, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged for such counties. R.S.O. 1937, c. 385, s. 2, *amended*. Joint home for the aged.

3.—(1) The corporation of a city or separated town may establish, erect and maintain a home for the aged for the purposes mentioned in section 2. Establishment of, by city or separated town.

(2) In lieu of establishing a separate home for the aged, the corporation of a city or separated town may, with the approval in writing of a supervisor, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint home for the aged for such city or separated town and such county. Agreement with county as to establishment of.

(3) In the cases provided for by subsections 1 and 2, the home for the aged may be located within or without the limits of the city or separated town. R.S.O. 1937, c. 385, s. 3, *amended*. Location of home for the aged.

Approval of site and plans of home for the aged.

4. A home for the aged shall not be erected until the site and plans of the buildings have been approved in writing by a supervisor, and no change in the site, and no sale or disposal of any portion thereof and no structural alteration in the building shall be made until the like approval has been given. R.S.O. 1937, c. 385, s. 4, *amended*.

Board of management,—

5.—(1) Where a county, city or separated town establishes a separate home for the aged the council shall appoint two persons, who may be members of the council, and who with the warden or mayor, as the case may be, shall form a board of management and shall have the management, regulation and control of the home for the aged, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

for home established by two counties;

(2) Where two counties agree to establish a joint home for the aged the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint home for the aged the board of management shall consist of the wardens of the counties.

for home established by county and a city or separated town.

(3) Where a city or a separated town and a county agree to establish a joint home for the aged the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management.

Agreement to provide for board of management.

(4) Where two or more cities or separated towns and one county or more than one county agree to establish a joint home for the aged the agreement shall provide for the appointment of persons who shall form the board of management and such persons may include any member of the councils of such municipalities and any agreement heretofore entered into for the establishment of such a home for the aged may be amended to provide for the appointment of a board of management as set forth in this subsection. R.S.O. 1937, c. 385, s. 5, *amended*.

Agreement to name corporation to receive grant.

6. Where two or more corporations agree to establish a joint home for the aged the agreement shall designate as to the corporation to which any grant made under the provisions of section 19 shall be paid. R.S.O. 1937, c. 385, s. 6, *amended*.

Appointment of officers.

7.—(1) The council of a corporation which establishes a separate home for the aged shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and

Rules and regulations.

regulations for the government of the home for the aged and of its inmates. R.S.O. 1937, c. 385, s. 7 (1), *amended*.

(2) Except in the case provided for by subsection 1, the duties and powers mentioned in that subsection shall be performed and may be exercised by the board of management, except as to salaries, which shall be fixed by joint action of the corporations interested. R.S.O. 1937, c. 385, s. 7 (2). Powers of board.

8. The rules and regulations provided for by section 7 shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 385, s. 8. Approval of rules and regulations.

9.—(1) The council of a county, which has established a home for the aged, and the council of a city or town may from time to time enter into agreements for connecting the home for the aged with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to homes for the aged.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged. Contracts for supplying water, electric, light and power.

(3) For the purpose of connecting such home for the aged with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such home for the aged and such city or town, and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. Power to carry necessary works over intervening lands. Rev. Stat., c. 266.

(4) Where two or more municipal corporations have established a joint home for the aged under the provisions of this Act, they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. R.S.O. 1937, c. 385, s. 9, *amended*. Powers of municipalities, acting jointly.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall Assent of electors to borrowing for home for the aged.

not at any time exceed $50,000. R.S.O. 1937, c. 385, s. 10, *amended*.

Power to compel persons sent to homes for the aged to work.

11.—(1) The council or the board of management, as the case may be, may provide for requiring every person sent to the home for the aged to perform such work or service at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the home for the aged, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention of indigent persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a home for the aged may pass by-laws for committing to and detaining therein indigent persons, and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the superintendent of such home for the aged to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of a supervisor. R.S.O. 1937, c. 385, s. 11, *amended*.

Transfer of property to corporation by inmates of home for the aged.

12.—(1) Where an inmate of a home for the aged desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the home for the aged was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand. R.S.O. 1937, c. 385, s. 12 (1); 1939, c. 47, s. 13, *amended*.

Approval of transfer by county judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a judge of the county court of the county in which the home for the aged is situate, and unless there is endorsed on it a certificate signed by the judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

(3) Where an inmate of a home for the aged is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a judge of the county court of the county in which the home for the aged is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the home for the aged was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate. Maintenance of inmates of home for the aged who are possessed of means.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a judge of the county court of the county in which the home for the aged is situate shall have signified his approval of it by endorsement thereon. R.S.O. 1937, c. 385, s. 12 (2-4), *amended*. Conveyance, mortgage, etc., to be approved by judge.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives. R.S.O. 1937, c. 385, s. 12 (5). Transfer to personal representatives.

13. An account shall be kept of the cost of erecting, keeping, and maintaining the home for the aged, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 385, s. 13, *amended*. What accounts to be kept.

14.—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in establishing a home for the aged may, by writing under his hand, commit to such home for the aged,— Who may be committed to home for the aged.

(*a*) poor and indigent persons who are incapable of supporting themselves;

(*b*) persons without the means of maintaining themselves and able to work, who do not do so;

(*c*) feeble-minded persons not fit for commitment to an institution under *The Mental Hospitals Act*, but for whom special custodial care is necessary.

Rev. Stat., c. 392.

Punishment of refractory inmates.

(2) Every inmate of a home for the aged, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the home for the aged. R.S.O. 1937, c. 385, s. 14, *amended*.

Break in residence, when not to affect liability of county.

15.—(1) In the event of a person who is a subject for admission to a home for the aged being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the home for the aged thereof by reason of the break in his residence. R.S.O. 1937, c. 385, s. 15 (1), *amended*.

Period of imprisonment not to be reckoned.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first-mentioned county. R.S.O. 1937, c. 385, s. 15 (2).

Special provision as to detention of feeble-minded female inmate.

16. Where the physician having the care of the health of the inmates of a home for the aged certifies that a female inmate between the ages of sixteen and forty-five years, on account of natural mental deficiency, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such home for the aged, she shall not be discharged until such physician, with the approval of a supervisor, orders her discharge. R.S.O. 1937, c. 385, s. 16, *amended*.

Prohibition as to children of certain ages.

17. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a home for the aged. R.S.O. 1937, c. 385, s. 17, *amended*.

Inspection of homes for the aged.

18. A supervisor shall, at least once in every year, inspect every home for the aged and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Minister as to its management, and make such recommendation and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the home for the aged. R.S.O. 1937, c. 385, s. 18, *amended*.

19. Where,— Aid to municipality establishing home for the aged.

(*a*) the Minister has approved the plans and the amount of the expenditures for a new building to be used as a home for the aged or for an addition to or extension of a home for the aged; and

(*b*) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality responsible for the home for the aged or the municipality designated under section 6, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New.*

20. *The Houses of Refuge Act* and section 13 of *The Statute Law Amendment Act, 1939*, are repealed. Rev. Stat., c. 385; 1939, c. 47, s. 13, repealed.

21. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

22. This Act may be cited as *The Homes for the Aged Act, 1947*. Short title.

CHAPTER 47.

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following subsections: 1944, c. 26, s. 2, amended.

(3) The employer may determine the period when each employee may take the vacation provided for in subsection 2 but such period shall not be later than ten months after the conclusion of the working year. Employer may determine period of vacation.

(4) The amount of pay for the vacation given to an employee in respect of each working year under subsection 2 shall not be less than an amount equal to two per centum of the pay received by the employee for all work done by him in the working year. Amount of pay for vacation.

2. Clause *dd* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as enacted by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1946*, is repealed and the following substituted therefor: 1944, c. 26, s. 10, cl. *dd* (1946, c. 40, s. 1), re-enacted.

(*dd*) providing, in lieu of a vacation with pay, for the payment to an employee who has ceased to be employed by an employer, of an amount equal to two per centum of his total earnings for the period in respect of which he is entitled to a vacation with pay, and fixing the minimum periods of employment to which a regulation made under this clause shall apply;

(*ddd*) providing for a system of vacation-with-pay credit stamps for use in such industrial undertakings as may be designated and providing for the sale and redemption of such stamps.

1944, c. 26, amended.

3. *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following section:

Additional penalty.

11*a*.—(1) In addition to the penalty imposed on any employer for failure to grant a vacation with pay to any employee, the magistrate entering a conviction may order the employer to pay to such employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

Filing of order.

(2) An order made under subsection 1 shall be filed in a division court where,—

(*a*) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

Rev. Stat., c. 107.

(*b*) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order shall thereupon be of the same force and effect as a judgment in the division court.

Commencement of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*.

CHAPTER 48.

An Act to suspend The Income Tax Act (Ontario).

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Personal income tax suspended. Rev. Stat., c. 25.

1.—(1) Notwithstanding any of the provisions of *The Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-seven and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-seven, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

Returns under Rev. Stat., c. 25.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Income Tax Suspension Act, 1947*.

CHAPTER 49.

An Act to amend The Industrial Standards Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 5 of *The Industrial Standards Act*, as amended by subsection 1 of section 23 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 191, s. 5, cl. *c*, re-enacted.

(*c*) with the concurrence of the proper advisory committee and subject to approval of the Lieutenant-Governor in Council, make an order amending the provisions of any schedule.

2. Section 7 of *The Industrial Standards Act* is amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 7, amended.

(2) The Minister may revise any schedule of wages and hours and days of labour submitted to him by a conference so that it may meet the requirements of *The Regulations Act, 1944*, and the regulations made thereunder. Minister may revise schedule of wages, etc. 1944, c. 52.

3. Subsection 2 of section 17 of *The Industrial Standards Act* is repealed and the following substituted therefor: Rev. Stat., c. 191, s. 17, subs. 2, re-enacted.

(2) The wage rates prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Hours of Work and Vacations with Pay Act, 1944*, *The Minimum Wage Act* or *The Factory, Shop and Office Building Act* and the regulations thereunder. Rates of wages. 1944, c. 26; Rev. Stat., cc. 190, 194.

4. This Act may be cited as *The Industrial Standards Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 50.

An Act to amend The Infants Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Infants Act* is amended by adding thereto the following subsection: Rev. Stat., c. 215, s. 1, amended.

(1*a*) Where,— Removal of proceedings to Supreme Court.

(*a*) custody proceedings have been commenced in a surrogate court under subsection 1; and

(*b*) it is made to appear to a judge of the Supreme Court that proceedings in respect of custody of children, alimony, dissolution of marriage or annulment of marriage are pending between the father and mother in the Supreme Court,

the judge of the Supreme Court may order that the custody proceedings in the surrogate court be removed to the Supreme Court, and may make such order as to the hearing of the application for custody and as to costs as he may deem proper.

2. This Act may be cited as *The Infants Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 51.

An Act to amend The Insurance Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of section 1 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 1, par. 2, re-enacted.

"Adjuster".

2. "Adjuster" means a person who,—

(*a*) on behalf of an insurer or an insured, for compensation, directly or indirectly solicits the right to negotiate the settlement of or investigate a loss or claim under a contract or a fidelity, surety or guaranty bond issued by an insurer, or investigates, adjusts or settles any such loss or claim; or

(*b*) holds himself out as an adjuster, investigator, consultant or adviser with respect to the settlement of such losses or claims,

Exceptions.

but does not include,

(*c*) a barrister or solicitor acting in the usual course of his profession;

(*d*) a trustee or agent of the property insured;

(*e*) a salaried employee of a licensed insurer while acting on behalf of such insurer in the adjustment of losses;

(*f*) a person who is employed as an appraiser, engineer or other expert solely for the purpose of giving expert advice or evidence; or

(*g*) a person who acts as an adjuster of marine losses only.

Rev. Stat., c. 256, s. 126, subs. 1, amended.

2. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the words "for a period not exceeding three years, on risks other than mercantile and manufacturing, and for one year or less on any other class of property" in the second, third, fourth and fifth lines, so that the said subsection shall now read as follows:

Powers of incorporated insurers to insure on the cash principle.

(1) An insurer licensed to transact cash-mutual fire insurance may effect insurance upon the cash plan, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the insurer has then on deposit with the Minister.

Rev. Stat., c. 256, s. 205, amended.

3. Section 205 of *The Insurance Act*, as amended by section 6 of *The Statute Law Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Section applicable to purported policy.

(3*a*) It shall not be a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer, and alleged by a party to the action to be such a policy, is not a motor vehicle liability policy, and the provisions of this section shall apply, *mutatis mutandis*, to the instrument.

Rev. Stat., c. 256, s. 281, subs. 9, re-enacted.

4.—(1) Subsection 9 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Advisory board to hold hearing and report.

(9) In determining the granting or refusal of an application for a license or renewal of license, or the revocation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,—

(*a*) a representative of insurers;

(*b*) a representative of agents; and

(*c*) a representative of the Superintendent,

which shall hold a hearing and make a report to the Superintendent with such recommendation as it may deem fit.

Rev. Stat., c. 256, s. 281, amended.

(2) The said section 281 is further amended by adding thereto the following subsection:

(10*a*) Where the decision of the Superintendent is rendered after a hearing and in accordance with the recommendation of the board, his decision shall be final and binding upon all parties concerned and shall not be subject to appeal. Decision not subject to appeal.

5. This Act may be cited as *The Insurance Amendment Act, 1947*. Short title.

CHAPTER 52.

An Act to amend The Jurors Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 50 of *The Jurors Act* is repealed and the following substituted therefor: Rev. Stat., c. 108, s. 50, subs. 1, re-enacted.

(1) Where a judge of the Supreme Court deems it necessary to have two or more sets of petit jurors to serve at any sittings of the Supreme Court he may direct the sheriff to return such number of petit jurors, as he may think fit, not exceeding,— When two or more sets of petit jurors.

(*a*) in the County of York, five hundred;

(*b*) in the County of Wentworth, two hundred and sixteen; and

(*c*) in any other county, one hundred and forty-four,

and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

2.—(1) Subsection 1 of section 91 of *The Jurors Act* is amended by striking out the symbol and figure "$4" in the sixth line and inserting in lieu thereof the symbol and figure "$6", and by striking out the word "thirteen" in the eighth line and inserting in lieu thereof the word "fifteen", so that the said subsection shall now read as follows: Rev. Stat., c. 108, s. 91, subs. 1, amended.

(1) Every grand juror actually attending a sittings of the Supreme Court or of the court of general sessions of the peace, and every petit juror actually attending a sittings of the Supreme Court or of the court of general sessions of the peace or a county court shall be entitled to receive the sum of $6 per day for every day on which he is necessarily absent from his place Jurors' fees and mileage.

of residence for the purpose of attending such court, and the sum of fifteen cents for every mile he necessarily travels from his place of residence to the court.

Rev. Stat., c. 108, s. 91, subs. 6, repealed.

(2) Subsection 6 of the said section 91 is repealed.

Commencement of Act.

3. This Act shall come into force on the 1st day of July, 1947.

Short title.

4. This Act may be cited as *The Jurors Amendment Act, 1947*.

CHAPTER 53.

An Act to amend The Juvenile and Family Courts Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Juvenile and Family Courts Act* is amended by inserting after the word "or" in the third line the article "a" and by striking out the words "deputy judge" where they occur in the ninth and tenth lines respectively and inserting in lieu thereof the words "deputy judges", so that the said subsection shall now read as follows: Rev. Stat., c. 316, s. 2, subs. 1, amended.

(1) When under the provisions of *The Magistrates' Jurisdiction Act* or of any other general or special Act of Ontario, jurisdiction is conferred upon the judge or a deputy judge of a juvenile court established under this Act to conduct inquiries or hear, try, determine or dispose of matters in addition to those in respect of which jurisdiction is conferred by this Act, such juvenile court shall be known as the "family court" of the municipality or area for which it is established, and the judge, deputy judges, officers and staff of such juvenile court shall be the judge, deputy judges, officers and staff of the family court. When juvenile court becomes family court. Rev. Stat., c. 134.

2.—(1) Subsection 2 of section 3 of *The Juvenile and Family Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 316, s. 3, subs. 2, re-enacted.

(2) The Lieutenant-Governor in Council may appoint one or more deputy judges of the juvenile court each of whom shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General. Deputy judges,—appointment of.

(2) Subsection 3 of the said section 3 is amended by striking out the article "the" where it occurs the first time in the second line and inserting in lieu thereof the article "a", so that the said subsection shall now read as follows: Rev. Stat., c. 316, s. 3, subs. 3, amended.

In case of absence of judge or deputy,—who may act.

(3) In case of the absence or illness of the judge or of a deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court.

Rev. Stat., c. 316, s. 15, subs. 1, amended.

3.—(1) Subsection 1 of section 15 of *The Juvenile and Family Courts Act* is amended by inserting after the word "judge" where it occurs in the third and fifth lines respectively the words "deputy judges", so that the said subsection shall now read as follows:

Corporation to provide accommodation and salaries.

(1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, deputy judges, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, deputy judges, clerk, probation officers and other officers of the court and for the general expenses of the court.

Rev. Stat., c. 316, s. 15, subs. 2, amended.

(2) Subsection 2 of the said section 15 is amended by striking out the word "salary" in the first line and inserting in lieu thereof the word "salaries", by inserting after the word "judge" in the second line the words "and deputy judges" and by striking out the symbol and figures "$50,000" in the thirteenth line and inserting in lieu thereof the symbol and figures "$100,000", so that the said subsection shall now read as follows:

Salaries of judges and amount of expenses.

(2) The Lieutenant-Governor in Council may fix the salaries to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such Order-in-Council, provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits:

Proviso.

Limit of expenses o court.

Where the district covered by the court has,—

(*a*) a population of more than 200,000, not more than $100,000;

(*b*) a population of more than 75,000, but less than 200,000, not more than $25,000;

(*c*) a population of more than 25,000, but less than 75,000, not more than $15,000;

(*d*) a population less than 25,000, not more than $8,000.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1947*. Short title.

CHAPTER 54.

The Labour Relations Board Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Regulations. 1944, c. 29. 1946, c. 44.

1. Notwithstanding any of the provisions of *The Labour Relations Board Act, 1944*, *The Labour Relations Board Amendment Act, 1946*, or any other Act of this Legislature, or any Act of the Parliament of Canada, or any regulations passed under any of such Acts, the Lieutenant-Governor in Council may provide that the regulations appearing in Schedule A and Schedule B to *The Labour Relations Board Act, 1944*, with such amendments as have been made thereto under any Act of the Parliament of Canada and which have also been made applicable for the purposes of *The Labour Relations Board Act, 1944*, by the Lieutenant-Governor in Council shall, with such alterations as may be necessary to fully vest jurisdiction for the administration thereof in the appropriate provincial authorities and such other alterations as the Lieutenant-Governor in Council may otherwise deem necessary in the circumstances, apply to all employees whose relations with their employers are ordinarily within the exclusive jurisdiction of this Legislature and to the employers thereof as if such regulations had been initially enacted under the authority of an Act of this Legislature at the time when such regulations were made applicable in Ontario under *The Labour Relations Board Act, 1944*.

Appeals and conciliation.

2. Notwithstanding the provisions of this Act,—

(*a*) the Wartime Labour Relations Board (Canada) shall have jurisdiction to hear and dispose of any appeal thereto where,

(i) leave for such appeal has been granted before the date of the coming into force of this Act, and

(ii) such Board or the members thereof undertake to hear and dispose of the appeal; and

(*b*) where an application to the Ontario Labour Relations Board to intervene, with a view to the completion of an agreement, has been referred to the Minister of Labour for Canada under the regulations referred to in section 1 on or before the date of the coming into force of this Act, the Minister of Labour for Canada may appoint a conciliation officer and where the conciliation officer recommends the appointment of a conciliation board, the Minister of Labour for Canada may appoint a conciliation board and the conciliation officer and the conciliation board shall have the same power as they would have had had this Act not been passed.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Labour Relations Board Act, 1947*.

CHAPTER 55.

An Act to amend The Legislative Assembly Act.

Assented to March 31st, 1947.
Section 1 assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Legislative Assembly Act*, as amended by section 16 of *The Statute Law Amendment Act, 1939*, and subsection 2 of section 2 of *The Legislative Assembly Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 12, s. 15, subs. 2, re-enacted.

(2) Nevertheless, whenever any person holding the office of,— Saving in case of,— exchange of offices in Executive Council;

(*a*) President of the Council;

(*b*) Attorney General;

(*c*) Secretary and Registrar of Ontario;

(*d*) Treasurer of Ontario;

(*e*) Minister of Agriculture;

(*f*) Minister of Education;

(*g*) Minister of Health;

(*h*) Minister of Highways;

(*i*) Minister of Labour;

(*j*) Minister of Lands and Forests;

(*k*) Minister of Mines;

(*l*) Minister of Municipal Affairs;

(*m*) Minister of Planning and Development;

(*n*) Minister of Public Welfare;

(*o*) Minister of Public Works;

(*p*) Minister of Reform Institutions; or

(*q*) Minister of Travel and Publicity,

and being at the same time a member of the Assembly, resigns his office and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly.

additional offices in Executive Council.

(3) Where a member of the Executive Council holding any one of the offices enumerated in subsection 2 is appointed to hold another office in addition to or in connection with such first-mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Rev. Stat., c. 12, ss. 70, 71, 72, 73, 74, re-enacted; ss. 37, 75, 76, 77, Form 3, repealed.

2. Sections 37, 70, 71, 72, 73, section 74 as amended by subsection 2 of section 4 of *The Statute Law Amendment Act, 1939* (*No. 2*), sections 75, 76 and 77 and Form 3 of the Schedule of Forms to *The Legislative Assembly Act* are repealed and the following substituted therefor:

INDEMNITIES AND ALLOWANCES.

Indemnities and allowances payable to members.

70.—(1) There shall be paid to each member of the Assembly,—

(*a*) an indemnity at the rate of $2,000 per annum; and

(*b*) an allowance for expenses at the rate of $1,000 per annum.

When member to be deemed member.

(2) For the purposes of this section a member of the Assembly shall be deemed to be a member when notice of the receipt of the return of his election is published in the *Ontario Gazette*.

Additional indemnities and allowances,—

71.—(1) In addition to the indemnities and allowances for expenses provided for in section 70, there shall be paid,—

to Speaker;

(*a*) to the Speaker, an indemnity at the rate of $2,500 per annum;

(*b*) to the Chairman of the Committees of the Whole House, an indemnity at the rate of $1,000 per annum; and — to Chairman of Committees of the Whole House;

(*c*) to the member recognized by the Speaker as the Leader of the Opposition, — to Leader of the Opposition.

(i) an indemnity at the rate of $3,000 per annum, and

(ii) an allowance for expenses at the rate of $2,000 per annum.

(2) For the purposes of this section, upon a member becoming Speaker, Chairman of the Committees of the Whole House or Leader of the Opposition, he shall be deemed to occupy such position until he ceases to be a member or until another member is elected to or recognized as holding such position, as the case may be. — Term of office.

72. The indemnities and allowances for expenses under sections 70 and 71 shall be paid on the 31st day of March in each year but where, by reason of death, resignation, dissolution of the Assembly or for any other cause, a member ceases to be a member or to hold the position in respect of which the indemnity and allowance are payable, as the case may be, the amounts which are payable, at the rates prescribed, for the period then concluded, shall be paid forthwith. — Indemnities,— when payable.

73. There shall be paid to each member of a committee of the Assembly an allowance for expenses of $20 in respect of every day during the interval between sessions of the Assembly,— — Allowance for attending committee meetings.

(*a*) upon which he attends a meeting of the committee; or

(*b*) upon which he is absent from home engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

74. There shall also be allowed to every member,— — Mileage allowance in respect of meetings of committees.

(*a*) in respect of each session of the Assembly; and

(*b*) in respect of each series of meetings of a committee of the Assembly held between sessions of the Assembly and which he attends as a member of the committee,

ten cents for every mile of the distance between his place of residence and Toronto reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker.

Indemnities,—when payable.

3. The indemnities and allowances for expenses provided for in sections 70 and 71 of *The Legislative Assembly Act* as re-enacted by this Act, shall be payable on the 31st day of March, 1947, in respect of the twelve-month period ending thereon.

Commencement of Act.

4. This Act, except section 1, shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Legislative Assembly Amendment Act, 1947*.

(NOTE: Section 1 of this Act was passed as section 11 of Bill No. 142, *The Statute Law Amendment Act, 1947*. Accordingly, section 1 became effective on the 1st day of June, 1947, pursuant to section 22 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 56.

An Act to amend The Liquor Control Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 137 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 294, s. 137, re-enacted.

137. Subject to section 83 of *The Liquor Licence Act, 1946*, all money penalties imposed under this Act, after deducting all necessary costs, shall be paid by the justice to the Board. Payment of penalties to Board.

2. Section 138 of *The Liquor Control Act* is repealed. Rev. Stat., c. 294, s. 138, repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Liquor Control Amendment Act, 1947*. Short title.

(NOTE: For further amendments to *The Liquor Control Act*, see *The Liquor Control Amendment Act, 1947* (*No. 2*), which appears as chapter 57 of this volume.)

CHAPTER 57.

An Act to amend The Liquor Control Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Liquor Control Act*, as amended by section 2 of *The Liquor Control Amendment Act, 1944*, is further amended by striking out the figures "139" in the tenth line. Rev. Stat., c. 294, s. 3, subs. 2, amended.

2. Section 38*a* of *The Liquor Control Act*, as enacted by section 7 and amended by section 26 of *The Liquor Control Amendment Act, 1944*, is repealed. Rev. Stat., c. 294, s. 38*a* (1944, c. 34, s. 7), repealed.

3.—(1) Subsection 1 of section 68 of *The Liquor Control Act*, as amended by section 12 of *The Liquor Control Amendment Act, 1944*, is further amended by striking out the words "and inside" in the fifth line, so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 68, subs. 1, amended.

(1) Every brewer shall on all beer manufactured and bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer so manufactured as the Board may determine. Brewers' marks.

(2) The marginal note to subsection 1 of the said section 68 is amended by striking out the words "to show alcoholic content". Rev. Stat., c. 294, s. 68, subs. 1, marginal note amended.

4. Clause *b* of subsection 1 of section 108 of *The Liquor Control Act* is amended by striking out the word "tavern" in the third line, so that the said clause shall now read as follows: Rev. Stat., c. 294, s. 108, subs. 1, cl. *b*, amended.

Signs.

(*b*) exhibit or display, or permit to be exhibited or displayed any sign or poster containing the words "bar", "bar-room", "saloon", "spirits", or "liquors" or words of like import.

Rev. Stat., c. 294, s. 133, amended.

5. Section 133 of *The Liquor Control Act* is amended by striking out the words and figures "under section 139" in the twelfth line and inserting in lieu thereof the words "which has entered into an agreement with The Liquor Licence Board of Ontario", so that the said section shall now read as follows:

Duties of officers and Crown attorneys on receiving information of infringement of this Act.

133. Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information, and it shall be the duty of the Crown attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality which has entered into an agreement with The Liquor Licence Board of Ontario and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown attorney when so employed by such officer.

Rev. Stat., c. 294, amended.

6. *The Liquor Control Act* is amended by adding thereto the following section:

Canada Temperance Act areas.

165.—(1) None of the provisions of this Act shall apply in any area within the Province in which the *Canada Temperance Act* is in force.

Application of Act upon C.T.A. ceasing to be in force.

(2) Upon the *Canada Temperance Act* ceasing to be in force in any area this Act shall, subject to the provisions of section 67 of *The Liquor Licence Act, 1946*, apply in such area.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Liquor Control Amendment Act, 1947 (No. 2)*.

CHAPTER 58.

An Act to amend The Liquor Licence Act, 1946.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Liquor Licence Act, 1946*, is amended by adding thereto the following section: 1946, c. 47, amended.

22*a*.—(1) The Board may issue a mess and canteen permit to the officer commanding any unit, station or establishment of the naval, military or air forces of Canada which is designated to the Board by the Minister of National Defence (Canada) authorizing him to purchase liquor for consumption in messes and canteens under his control. Mess and canteen permit.

(2) Neither the application for a permit, the issue of a permit nor the designation of a unit, station or establishment by the Minister of National Defence shall confer any provincial jurisdiction with respect to such unit, station or establishment or in respect of any mess or canteen. Provincial jurisdiction not conferred.

(3) Nothing contained in this section shall be construed as interfering with the jurisdiction of the Board with respect to a military mess in respect of which a licence is issued under this Act. Jurisdiction of Board not interfered with.

2.—(1) Subsection 1 of section 23 of *The Liquor Licence Act, 1946*, is amended by striking out the last eleven lines of the said subsection. 1946, c. 47, s. 23, subs. 1, amended.

(2) The said section 23 is amended by adding thereto the following subsection: 1946, c. 47, s. 23, amended.

(1*a*) The Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of,— Dining room or public house licence.

1944, c. 33.

(*a*) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act; or

(*b*) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question *d*, *e* or *f*, as the case may be set out in subsection 1 of section 69.

1946, c. 47, s. 26, amended.

3. Section 26 of *The Liquor Licence Act, 1946*, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:

Bedroom accommodation.

26. Except as permitted by the Board, bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods.

1946, c. 47, s. 43, amended.

4. Section 43 of *The Liquor Licence Act, 1946*, is amended by adding thereto the following subsections:

Amount payable to Treasurer to constitute debt due Ontario.

(4) The amount payable to the Treasurer of Ontario under subsection 2 shall constitute a debt due to the Treasurer of Ontario and shall be recoverable by action in any court of competent jurisdiction.

Registration of notice.

(5) A notice in the prescribed form of the amount payable under subsection 2 may be registered against the lands upon which the premises in respect of which the licence was issued are situate in the proper registry or land titles office, and upon registration the notice shall operate as a charge against such lands and the buildings thereon.

Transfer of licence, when deemed final.

(6) The transfer of a licence shall not be deemed to be final until the amount of the monopoly value has been paid in full.

1946, c. 47, s. 49, amended.

5. Section 49 of *The Liquor Licence Act, 1946*, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:

Public house licences, where two issued for establishment.

49. Except as permitted by the Board, where two types of public house licences are issued for any establishment,—

(*a*) there shall be no internal means of communication between the premises operated under each of such licences;

(*b*) each of such premises shall have separate entrances for the public;

(*c*) separate dispensing and other equipment shall be used in serving the public using each of such premises; and

(*d*) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises.

1946, c. 47, s. 67, amended.

6. Section 67 of *The Liquor Licence Act, 1946*, is amended by adding thereto the following subsection:

Where C.T.A. ceases to be in force.

(2) Where as a result of a vote held under the provisions of the *Canada Temperance Act* after the 31st day of December, 1946, the *Canada Temperance Act* ceases to be in force in any area, no premises shall be licensed and no Ontario wine store shall be authorized until a vote has been taken in the manner provided in section 69, but government stores for the sale of liquor may be established in such area without the submission of question *a* or *b* in subsection 1 of section 69.

1946, c. 47, s. 80, amended.

7. Section 80 of *The Liquor Licence Act, 1946*, is amended by striking out the words "master in chambers" in the eighth line and inserting in lieu thereof the words "Master of the Supreme Court", so that the said section shall now read as follows:

Where validity of vote questioned.

80. Notwithstanding anything contained in this or any other Act where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or Master of the Supreme Court may direct.

Rev. Stat., c. 266.

Commencement of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

9. This Act may be cited as *The Liquor Licence Amendment Act, 1947*.

(NOTE: For further amendments to *The Liquor Licence Act, 1946*, see *The Liquor Licence Amendment Act, 1947 (No. 2)*, which appears as chapter 59 of this volume.)

CHAPTER 59.

An Act to amend The Liquor Licence Act, 1946.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of subsection 1 of section 23 of *The Liquor Licence Act, 1946*, are amended by adding at the end thereof the words "and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said clauses shall now read as follows: 1946, c. 47, s. 23, subs. 1, cls. *a*, *b*, amended.

(*a*) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

(*b*) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each license is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, of subsection 1 of section 69 and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 23, subs. 1*a* (1947, c. 58, s. 2, subs. 2), amended.

(2) Subsection 1*a* of the said section 23, as enacted by subsection 2 of section 2 of *The Liquor Licence Amendment Act, 1947*, is amended by adding at the end thereof the words "and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said subsection shall now read as follows:

Dining room or public house licence.

(1*a*) The Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of,—

(*a*) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act; or

1944, c. 33.

(*b*) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question *d*, *e* or *f*, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 36, amended.

2. Section 36 of *The Liquor Licence Act, 1946*, is amended by striking out the words "one week" in the eleventh line and inserting in lieu thereof the words "five clear days", and by striking out the words "two weeks" in the twelfth and

thirteenth lines and inserting in lieu thereof the words "ten clear days", so that the said section shall now read as follows:

Publication.

36. Notice of the application for a licence in the form prescribed by the regulations shall be published twice,—

(*a*) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or

(*b*) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than ten clear days before the meeting of the Board at which the application is to be heard.

1946, c. 47, s. 67, re-enacted.

3. Section 67 of *The Liquor Licence Act, 1946*, as amended by section 6 of *The Liquor Licence Amendment Act, 1947*, is repealed and the following substituted therefor:

Areas where C.T.A. in force.

67.—(1) None of the provisions of this Act, except section 22*a*, shall apply in any area in which the *Canada Temperance Act* is in force.

Application of Act upon C.T.A. ceasing to be in force.

(2) Upon the *Canada Temperance Act* ceasing to be in force in any area this Act shall apply in such area, provided that,

(*a*) in an area where a by-law prohibiting the sale of liquor by retail passed under any Act of this Legislature was in force when the *Canada Temperance Act* or *The Ontario Temperance Act* came into force, no government stores for the sale of liquor or for the sale of beer only shall be established, no Ontario wine stores shall be authorized and no licences shall be issued until a vote has been taken in the manner provided in section 69; and

R.S.C., c. 196; 1916, c. 50.

(*b*) in an area where no by-law prohibiting the sale of liquor by retail passed under any Act

of this Legislature was in force when the *Canada Temperance Act* or *The Ontario Temperance Act* came into force, no licences shall be issued in respect of an establishment classified as an hotel, tavern, restaurant or public house until a vote has been taken in the manner provided in section 69.

Machinery for vote.

(3) In every area to which subsection 2 applies the provisions of section 69 shall apply *mutatis mutandis* to a vote referred to in subsection 2 which is taken in any municipality therein, notwithstanding that a by-law mentioned in section 68 is not in force in such municipality.

1946, c. 47, s. 80, amended.

4. Section 80 of *The Liquor Licence Act, 1946*, as amended by section 7 of *The Liquor Licence Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Recounts.

(2) Notwithstanding anything contained in this Act or any other Act where a recount of a vote on any question or questions submitted under this Act is requested, the provisions of sections 142 and 143 of *The Municipal Act* shall *mutatis mutandis* apply.

1946, c. 47, s. 81, cls. *k* and *n*, re-enacted.

5. Clauses *k* and *n* of section 81 of *The Liquor Licence Act, 1946*, are repealed and the following substituted therefor:

(*k*) governing the issue and cancellation of banquet, entertainment or military mess permits and prescribing the fees payable in respect of the issue of such permits;

. . . . . .

(*n*) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed and providing for the alteration thereof by the Board in respect to individual holders of a licence or in any municipality or prescribed area.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Liquor Licence Amendment Act, 1947 (No. 2)*.

CHAPTER 60.

An Act to amend The Live Stock Branding Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Live Stock Branding Act* is amended by striking out the words "Director of the Live Stock Branch" in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said section shall now read as follows: Rev. Stat., c. 341, s. 4, amended.

4. The Live Stock Commissioner of the Department of Agriculture shall be recorder of brands and shall receive applications, keep a record of all brands allotted and make transfers and cancellations in accordance with the terms of this Act. Record of all brands.

2. This Act may be cited as *The Live Stock Branding Amendment Act, 1947.* Short title

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 61.

An Act to amend The Local Improvement Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Local Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 269, s. 65, amended.

(3) Notwithstanding subsection 1, the council of a corporation may by by-law provide for the renewal or replacement of any local improvement work at the expense of the corporation, or partly at the expense of the corporation and partly as a local improvement, or wholly as a local improvement. Renewal or replacement of local improvement works.

2. This Act may be cited as *The Local Improvement Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 62.

An Act to amend The Marriage Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Marriage Act* is amended by striking out the word "Assistant" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Deputy", so that the said section shall now read as follows: Rev. Stat., c. 207, s. 9, amended.

9. Every license under the hand and seal of the Lieutenant-Governor or his deputy, and every certificate signed by the Provincial Secretary or Deputy Provincial Secretary, for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate. Validity of licenses and certificates.

2. Section 25 of *The Marriage Act* is repealed and the following substituted therefor: Rev. Stat., c. 207, s. 25, re-enacted.

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate,— Material to be forwarded,—

(*a*) complete a form giving such of the particulars contained in Form 4 as he is able to give, and forward it to the Provincial Secretary; and to Provincial Secretary;

(*b*) forward the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, and any further evidence obtained under the provisions of section 24, to the Registrar-General. to Registrar-General.

3. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

4. This Act may be cited as *The Marriage Amendment Act, 1947.* Short title.

CHAPTER 63.

An Act to amend The Medical Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Medical Act* is amended by adding thereto the following section: Rev. Stat., c. 225, amended.

17*a*.—(1) No person shall conduct a course or courses in the science or art of medicine or shall grant degrees in medicine without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health. Approval for medical courses.

(2) Upon the recommendation of the Minister of Health the Lieutenant-Governor in Council may at any time revoke any approval given under this section. Revocation of approval.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Medical Amendment Act, 1947*. Short title.

CHAPTER 64.

An Act to amend The Milk Control Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 1 of section 4 of *The Milk Control Act* is repealed. Rev. Stat., c. 76, s. 4, subs. 1, cl. *c*, repealed.

2. *The Milk Control Act* is amended by adding thereto the following section: Rev. Stat., c. 76, amended.

4*a*.—(1) In each part of Ontario the current prices at which fluid milk and cream are currently sold by retail on the 22nd day of October, 1947, shall, until such prices are altered by the regulations, be the maximum prices at which fluid milk and cream respectively, may be sold by retail. Sale price of fluid milk and cream.

(2) In each part of Ontario the current prices at which fluid milk is purchased from producers, except by retail, on the 22nd day of October, 1947, shall, until such prices are altered under the provisions of this Act, be the minimum prices at which fluid milk shall be purchased from producers. Purchase price of fluid milk.

3. Section 13 of *The Milk Control Act*, as amended by section 1 of *The Milk Control Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 76, s. 13, re-enacted.

13.—(1) The producers, distributors or any class of processors, other than creameries and cheese factories, of milk in any market or markets may require,— Collective bargaining.

(*a*) in the case of producers, the distributors or processors to whom they sell milk; or

(*b*) in the case of distributors or processors, the producers from whom they purchase milk,

to bargain collectively in order to determine the price that shall be paid to the producers supplying milk to distributors or such class of processors in such market or markets.

Notice.

(2) Notice of a request to bargain collectively setting out,—

(*a*) the names of the persons or of any association joining in the notice;

(*b*) the names and addresses of the collective bargaining representatives; and

(*c*) the market or markets in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively or to any association which is representative of such persons, and a copy of the notice shall be sent to the board.

Sufficiency of representation.

(3) Where the board is of opinion that the producers, distributors or processors requiring collective bargaining are not representative of the producers, distributors or processors of that class in the market or markets in respect of which collective bargaining is required, it may at any time within one week of receipt of the notice in writing so advise the persons responsible for sending the notice and thereupon the notice shall cease to have effect.

Failure to observe notice.

(4) Where the persons required to bargain collectively do not, in writing, advise the collective bargaining representatives of the persons requiring collective bargaining of the names of their collective bargaining representatives within two weeks of the receipt of notice under subsection 2, the board may designate persons who shall act as their collective bargaining representatives.

Sufficiency of representation.

(5) Before entering into collective bargaining, the collective bargaining representatives of one of the parties shall send a notice in writing to the board indicating those of the persons required to bargain collectively that are represented by collective bargaining representatives and the names of such representatives and where the board is of opinion that the persons represented by the collective bargaining representatives are not representative of the persons required to bargain collectively, the board may designate

such collective bargaining representatives or any other persons as the collective bargaining representatives thereof.

Good faith.

(6) Collective bargaining representatives of the respective parties shall bargain collectively in good faith for the purpose of determining the price at which milk shall be purchased from producers.

Failure to agree,—arbitration.

(7) Where the collective bargaining representatives of either party to collective bargaining are satisfied that an agreement cannot be reached, they may by notice in writing to the collective bargaining representatives of the other party require all matters of dispute to be referred to a board of arbitration of three members to which the collective bargaining representatives of each of the parties shall appoint a member, and a third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint arbitrator.

(8) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the board may, upon the request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(9) Where the two members of the board of arbitration appointed by the collective bargaining representatives fail, within five days of the appointment of the last one appointed, to agree upon a third member, the board may, upon notice in writing thereof, appoint the third member.

Costs.

(10) Each of the parties to the arbitration shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.

Price paid to producers.

(11) Every agreement entered into and every award made under this section shall be filed with the board and thereupon, or at such later date as may be named therein, the price determined therein shall be the price paid to producers for all milk purchased by distributors or processors of the class represented for the market or markets involved and shall be subject only to,—

(*a*) deduction of reasonable transportation charges; and

(*b*) variation in accordance with a milk purchase plan prescribed by the regulations,

until altered by an agreement or award subsequently made in accordance with the provisions of this section.

Rev. Stat., c. 76, s. 15, subs. 1, cls. *k*, *l*, re-enacted.

4. Clauses *k* and *l* of subsection 1 of section 15 of *The Milk Control Act* are repealed and the following substituted therefor:

(*k*) prescribe the minimum prices at which fluid milk may be purchased from producers and the dates of payment for milk purchased from producers;

(*l*) prescribe the maximum prices at which fluid milk or cream may be sold by retail;

(*m*) prescribe a milk purchase plan including the basis upon which the price of milk purchased from producers shall be determined having regard to the butter-fat content thereof;

(*n*) prescribe the types of containers used in the delivery of milk which may be used by distributors;

(*o*) prescribe the records to be kept by distributors, processors and transporters.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 22nd day of October, 1947.

Short title.

6. This Act may be cited as *The Milk Control Amendment Act, 1947.*

CHAPTER 65.

An Act to amend The Mills Licensing Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mills Licensing Act* is amended by striking out the first two lines and clause *a* and inserting in lieu thereof the following: Rev. Stat., c. 37, s. 3, amended.

3. The Lieutenant-Governor in Council may make regulations,— Regulations.

(*a*) providing for the issue of licenses for the construction, operation, alteration and expansion of mills, and for the installation in mills of additional machinery and equipment which would increase production;

. . . . . .

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Mills Licensing Amendment Act, 1947.* Short title.

CHAPTER 66.

An Act to amend The Mining Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 47, s. 3, amended.

3. The Lieutenant-Governor in Council may by regulation prescribe the forms to be used under this Act. Forms.

2. Subsection 5 of section 29 of *The Mining Act*, as enacted by section 1 of *The Mining Amendment Act, 1939*, is repealed. Rev. Stat., c. 47, s. 29, subs. 5 (1939, c. 27, s. 1), repealed.

3. Section 37 of *The Mining Act* as amended by section 1 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "for himself or on behalf of any other licensee" in the first line, so that the said section shall now read as follows: Rev. Stat. c. 47, s. 37, amended.

37. A licensee may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but where the surface rights in the land have been granted, sold, leased or located by the Crown, compensation must be made as provided by section 93. When claim may be staked.

4. Subsection 2 of section 53 of *The Mining Act*, as re-enacted by section 4 of *The Mining Amendment Act, 1939*, is repealed. Rev. Stat. c. 47, s. 53, subs. 2 (1939, c. 27, s. 4), repealed.

5. Clauses *b* and *c* of subsection 1 of section 54 of *The Mining Act* are repealed and the following substituted therefor: Rev. Stat., c. 47, s. 54, subs. 1, cls. *b*, *c*, re-enacted.

(*b*) writing or placing on No. 1 post the name of the licensee staking out the claim, the letter and number of his license, the date and hour of staking out and,

if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

(*c*) writing or placing on No. 2, No. 3 and No. 4 posts the name of the licensee staking out the claim.

Rev. Stat., c. 47, s. 57, subs. 1, re-enacted.

6.—(1) Subsection 1 of section 57 of *The Mining Act* is repealed and the following substituted therefor:

Plan and application to be furnished to recorder.

(1) A licensee who has staked out a mining claim shall furnish the recorder with,—

(*a*) a sketch or plan of the mining claim showing the corner posts and the witness posts, if any, and the distance between the posts in feet;

(*b*) an application in the prescribed form setting forth,

(i) in the case of unsurveyed territory, its locality by such general description and other information as will enable the recorder to indicate the claim on his office map,

(ii) in the case of a surveyed township, the lot, quarter-section or subdivision of a section and the portion thereof comprising the claim,

(iii) the day and hour when the claim was staked out, and

(iv) the date of the application; and

(*c*) the prescribed fee.

Time for compliance.

(1*a*) A licensee shall comply with the provisions of subsection 1,—

(*a*) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, not later than sixty days from the date of staking; and

(*b*) in all other cases, not later than thirty days from the date of staking.

(2) Subsection 5 of the said section 57 is repealed. Rev. Stat., c. 47, s. 57, subs. 5, repealed.

7. Section 58 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 58, re-enacted.

58. A licensee at the time of making application to record a mining claim shall produce his license to the recorder and the recorder shall endorse and sign upon the back of the license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the Judge he deems it just that compliance with the requirements of this section should be waived. Endorsement by recorder.

8. Subsection 3 of section 60 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1945*, is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 60, subs. 3, re-enacted.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge. Tagging claim posts after recording.

(4) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as may be authorized by the Judge under section 86, the recorder shall cancel the claim, and shall by registered letter mailed not later than the next day, notify the holder thereof of his action and the reason therefor. Cancellation of claim where metal tags not affixed.

9. Section 65 of *The Mining Act* is repealed. Rev. Stat., c. 47, s. 65, repealed.

10. Section 78 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1939*, section 2 of *The Mining Amendment Act, 1940*, section 1 of *The Mining Amendment Act, 1944*, section 5 of *The Mining Amendment Act, 1945*, and section 3 of *The Mining Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 78, re-enacted.

78.—(1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, Working conditions on mining claims.

 sinking

sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows:

(*a*) First period of at least forty days not later than one year immediately following the recording of the claim.

(*b*) Second period of at least forty days not later than two years after date of recording.

(*c*) Third period of at least forty days not later than three years after date of recording.

(*d*) Fourth period of at least forty days not later than four years after date of recording.

(*e*) Fifth period of at least forty days not later than five years after date of recording.

Work done within earlier period and allowance for excess.

(2) The work may be completed in a less period of time than herein specified, and if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in any subsequent year, the excess, upon proof of the same having been performed, shall be credited by the recorder upon the work required to be done during any subsequent year.

Report of holder upon work.

(3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail,—

(*a*) the location, nature and extent of the work;

(*b*) the names and addresses of the men who performed the work; and

(*c*) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log indicating the footages of the rock types encountered, and the angle and direction of the drill hole.

Certificate of performance.

(4) The recorder, if satisfied that the prescribed work has

been duly performed, may grant a certificate in the prescribed form, but he may first, if he deems proper, inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency and such certificate, in the absence of fraud or mistake, shall be final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the Judge shall have power to revoke and cancel it upon the application of the Crown or an officer of the Department or any person interested.

Decision of Judge final.

(5) The decision of the Judge as to the due performance of work shall be final.

Work to be performed on claims.

(6) A licensee who is the holder of a group of not more than nine contiguous claims may perform or cause to be performed on one or more of such claims all the work required to be done on any of the other claims in the group, and the reports of work and affidavits to be filed by him in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims in respect of which it is to be applied.

Certain works not regarded.

(7) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.

Work done before recording.

(8) Work performed on a mining claim located in those parts of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording.

Survey to count as work,

78*a*.—(1) The survey of a mining claim made in pursuance of section 103 or 104, on the plan and field notes thereof being filed with the Mining Recorder within the prescribed time, shall count as forty days' work on the surveyed claim, except in respect of the work required by subsection 1 of section 78 to be done within one year immediately following the recording of the claim.

before plans filed.

(2) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim, except in respect of the work required by subsection 1 of

section 78 to be performed within one year immediately following the recording of the claim, and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

Drilling,—diamond or other core drill;

(3) Boring by a diamond or other core drill shall count as work,—

(*a*) where the core from the drill does not exceed $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each two feet of boring; and

(*b*) where the core from the drill exceeds $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each foot of boring.

compressed air; power driven rock drill.

(4) Work done by a compressed air drill or other power driven rock drill of a type approved by the Minister shall count as work at the rate of two days' work in respect of each man necessarily employed in operating the drill for each day of his employment.

Geophysical survey to count as work.

(5) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

Geological survey to count as work.

(6) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for the work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

(7) The actual cost of stripping by power driven mechanical equipment or equipment other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each $5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work. Power stripping.

11. Subsection 1 of section 80 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1939*, and amended by subsection 1 of section 2 of *The Mining Amendment Act, 1944*, is further amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 80, subs. 1 (1939, c. 27, s. 10), amended.

(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding six months. Extension of time for work.

12. Clause *d* of subsection 1 of section 85 of *The Mining Act* is amended by striking out the word and figure "subsection 4" in the first line and inserting in lieu thereof the word and figure "subsection 3". Rev. Stat., c. 47, s. 85, subs. 1, cl. *d*, amended.

13.—(1) Subsection 1 of section 86 of *The Mining Act*, as amended by subsection 1 of section 3 of *The Mining Amendment Act, 1944*, is further amended by inserting after the word "under" in the second line the words and figures "subsection 4 of section 60 or", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 86, subs. 1, amended.

(1) Where forfeiture or loss of rights has occurred under subsection 4 of section 60 or section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revest in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in Relief against forfeiture.

clause

clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of $3.

Rev. Stat., c. 47, s. 86, subs. 3, re-enacted.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor:

Extension of time for performance of work or payment of money.

(3) On application to him by an interested holder not earlier than thirty days prior to the time forfeiture or loss of rights would occur, as provided in subsection 4 of section 60 or section 85, the Judge may extend the time for,—

(*a*) affixing the metal tags to the corner posts of the claim;

(*b*) performing any work required to be performed; or

(*c*) paying the money required for patent or lease.

Rev. Stat., c. 47, s. 87, amended.

14. Section 87 of *The Mining Act* is amended by inserting after the word "under" in the fifth line the words and figures "subsection 4 of section 60 or", so that the said section shall read as follows:

Relief against forfeiture by Lieutenant-Governor in Council.

87. The Lieutenant-Governor in Council, upon the recommendation of the Minister and the report of the Judge, may upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under subsection 4 of section 60 or section 85 which he deems to be a hardship and revest the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto.

Rev. Stat., c. 47, s. 107, subs. 1, cls. *a*, *b*, re-enacted.

15. Clauses *a* and *b* of subsection 1 of section 107 of *The Mining Act* are repealed and the following substituted therefor:

Staking out.

(*a*) staking out such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 54, and writing or placing upon each post,

(i) the words "Boring Permit Applied For",

(ii) his name and the letter and number of his license,

(iii) the date of the staking out, and

(iv) a statement of the area to be included in the application;

(*b*) furnishing the recorder with an application in duplicate verified by affidavit in the prescribed form, Application to recorder.

(i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and

(ii) in all other cases within thirty days from the date of staking out.

16.—(1) Subsection 2 of section 182 of *The Mining Act*, as re-enacted by section 28 of *The Mining Amendment Act, 1939*, and amended by section 3 of *The Mining Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 182, subs. 2 (1939, c. 27, s. 28), re-enacted.

(2) Notwithstanding anything in this Act contained, in special circumstances the Minister may, subject to the approval of the Lieutenant-Governor in Council, issue a license of occupation, lease or patent of any mining lands or mining rights on such terms and conditions as he may deem expedient. Minister may issue license, lease or patent.

(2) All licenses of occupation, patents and leases issued or purporting to be issued under subsection 2 of section 182 of *The Mining Act* prior to the coming into force of this Act, are ratified and confirmed. Confirmation of licenses, leases and patents issued under s. 182, subs. 2.

17.—(1) Item 9 of Schedule A to *The Mining Act* is repealed. Rev. Stat., c. 47, Sched. A, item 9, repealed.

(2) Item 22 of the said Schedule A is amended by inserting after the word "conditions" in the first and second lines the words "affixing metal tags", and by striking out the figures "80" in the third line, so that the said item shall now read as follows: Rev. Stat., c. 47, Sched. A, item 22, amended.

22. For recording extension of time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim (see sections 86, 184).....	3.00

Rev. Stat., c. 47, Sched. A, item 31, re-enacted.

(3) Item 31 of the said Schedule A is repealed and the following substituted therefor:

31. For filing an application for a mining claim under section 60	5.00

1943, c. 14, s. 4, repealed.

18. Section 4 of *The Mining Amendment Act, 1943*, is repealed.

Short title.

19. This Act may be cited as *The Mining Amendment Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 67.

An Act to amend The Mining Tax Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1941*, is further amended by striking out the words "feldspar, nepheline-syenite, gypsum, quartzite" added by the amendment of 1941, so that the said clause shall now read as follows: Rev. Stat., c. 28, s. 1, cl. *a*, amended.

(*a*) "Mine" shall mean any opening in or working of the ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel. "Mine".

(2) Clause *cc* of the said section 1, as enacted by section 1 of *The Mining Tax Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 1, cl. *cc* (1946, c. 56, s. 1), re-enacted.

(*cc*) "Municipality" shall have the same meaning as in *The Department of Municipal Affairs Act*. "Municipality". Rev. Stat., c. 59.

2.—(1) Clauses *a* and *b* of subsection 1 of section 4 of *The Mining Tax Act* are repealed and the following substituted therefor: Rev. Stat., c. 28, s. 4, subs. 1, cls. *a*, *b*, re-enacted.

(*a*) six per centum on the excess of annual profits above $10,000 and up to $1,000,000;

(*b*) eight per centum on the excess of annual profits above $1,000,000 and up to $5,000,000; and

(*c*) nine per centum on the excess of annual profits above $5,000,000.

Rev. Stat., c. 28, s. 4, subs. 3, cl. *j*, repealed.

(2) Clause *j* of subsection 3 of the said section 4 is repealed.

Rev. Stat., c. 28, s. 4, amended.

(3) The said section 4 is further amended by adding thereto the following subsection:

Deduction from tax.

(4*a*) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1949, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—

(*a*) where he is satisfied that the day upon which a mine came into production is prior to the 1st day of January, 1947, he may allow such deduction only in respect of any period not exceeding that part of the first three years after the day the mine came into production which is subsequent to the 31st day of December, 1946; and

(*b*) with respect to the profits of the year during which the three-year period terminates, the deduction shall apply to that portion of the aggregate tax calculated on such profits under subsection 3, which the number of days from the 1st day of January of such year to the day which falls three years from the day the mine came into production, bears to the number three hundred and sixty-five.

1946, c. 56, s. 2, subss. 1, 3, repealed.

3. Subsections 1 and 3 of section 2 of *The Mining Tax Amendment Act, 1946*, are repealed.

Commencement of Act.

4.—(1) This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Effect of s. 2.

(2) Section 2 shall be effective with respect to the profits of the calendar year 1946 and later calendar years, except that with respect to the profits of the calendar year 1946, a mine operated by a corporation, the fiscal year of which does not coincide with the calendar year and ends in the calendar year 1946, shall pay an amount of tax which shall be the total of taxes determined as follows:

(*a*) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, Rev. Stat., c. 28. as though the amendments provided by this Act had not been made, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1946 bear to the total number of days of such fiscal year; and

(*b*) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, as amended by this Act, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1945 bear to the total number of days of such fiscal year.

5. This Act may be cited as *The Mining Tax Amendment Act, 1947*. Short title.

(NOTE: For further amendments to *The Mining Tax Act*, see *The Mining Tax Amendment Act, 1947 (No. 2)*, which appears as chapter 68 of this volume.)

CHAPTER 68.

An Act to amend The Mining Tax Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Tax Act*, as re-enacted by section 1 of *The Mining Tax Amendment Act, 1945*, is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 3 (1945, 2nd Sess., c. 5, s. 1), re-enacted.

3. The taxes imposed by this Act shall be deemed to accrue on the 31st day of December of the year preceding the year in which they are payable and shall be payable to the Minister,— Dates of accrual and payment.

(*a*) not later than the 15th day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and

(*b*) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.

2. Subsection 5 of section 4 of *The Mining Tax Act* is amended by striking out all the words after the word "hereunder" in the fifth line, so that the said subsection shall now read as follows: Rev. Stat., c. 28, s. 4, subs. 5, amended.

(5) For the purpose of this section, unless a contrary intention appears, the operations, business, matters, and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the taxation hereunder. Based on preceding year.

3. Subsection 1 of section 7 of *The Mining Tax Act*, as amended by subsection 1 of section 2 of *The Mining Tax Amendment Act, 1945*, is further amended by striking out the figures and letters "31st" in the amendment of 1945 and inserting Rev. Stat., c. 28, s. 7, subs. 1, amended.

inserting in lieu thereof the figures and letters "15th", so that the first six lines of the said subsection shall now read as follows:

Statement to be furnished.

(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 15th day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,—

. . . . . .

1947, c. 67, s. 4, repealed.

4.—(1) Notwithstanding the provisions of section 4 of *The Mining Tax Amendment Act, 1947*, the said section shall be deemed not to have come into force and the section is repealed.

Commencement of 1947, c. 67.

(2) *The Mining Tax Amendment Act, 1947*, shall come into force and have effect on and after the 31st day of December, 1947.

Commencement of Act.

5. This Act shall come into force and have effect on and after the 31st day of December, 1947.

Short title.

6. This Act may be cited as *The Mining Tax Amendment Act, 1947 (No. 2)*.

CHAPTER 69.

An Act to amend The Municipal Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, ss. 16, 17, repealed.

1. Sections 16 and 17 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 23, subs. 1 (1939, c. 30, s. 2), re-enacted.

2.—(1) Subsection 1 of section 23 of *The Municipal Act*, as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor:

Amalgamations and annexations.

(1) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister of Municipal Affairs authorized by the Lieutenant-Governor in Council, or in respect of clause *d* upon the application of at least twenty-five male inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may deem expedient,—

(*a*) amalgamate the municipality with any other municipality or municipalities;

(*b*) annex the whole or any part or parts of the municipality to any other municipality or municipalities;

(*c*) annex the whole or any part or parts of any other municipality or municipalities to the municipality; or

(*d*) annex the whole or any part or parts of any unorganized township or townships to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, unorganized township or unorganized townships in which the area or areas is or are located is or are specified in the application.

Rev. Stat., c. 266, s. 23, subs. 7 (1939, c. 30, s. 2), repealed.

(2) Subsection 7 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act, 1939*, is repealed.

Rev. Stat., c. 266, s. 23, subs. 14 (1939, c. 30, s. 2), re-enacted.

(3) Subsection 14 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor:

Amalgamation, annexation orders,—when to come into force.

(14) An amalgamation or annexation order shall not come into force until fourteen days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,—

(*a*) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or

(*b*) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat., c. 266, ss. 44*a*, 44*b*, 44*c*, 44*d* (1943, c. 16, s. 1), re-enacted.

3.—(1) Section 44*a* as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by section 8 of *The Municipal Amendment Act, 1946*, section 44*b* as enacted by section 1 of *The Municipal Amendment Act, 1943*, section 44*c* as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by section 6 of *The Municipal Amendment Act, 1944*, and by section 9 of *The Municipal Amendment Act, 1946*, and section 44*d* of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, are repealed and the following substituted therefor:

Improvement Districts.

Improvement districts,—incorporation.

44*a*.—(1) The Municipal Board may, upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, incorporate as an improvement district the inhabitants of any locality having a population of not less than fifty.

Name, boundaries, etc.

(2) The Municipal Board shall declare the name the improvement district shall bear in the style of "The Corporation of the Improvement District of ", and shall fix its boundaries and the date when the incorporation is to take effect and may provide for such other matters as may be necessary or expedient in connection with the incorporation and for the carrying on of the locality as an improvement district.

44*b*. Every improvement district shall be subject to Part III of *The Department of Municipal Affairs Act*. Rev. Stat., c. 59, Part III, to apply.

44*c*.—(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant-Governor in Council. Nature and status.

(2) Two members of the board shall constitute a quorum. Quorum.

(3) If a vacancy occurs on the board through death, resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant-Governor in Council. Vacancies.

(4) The board, with respect to the improvement district, shall function as such local boards within the meaning of *The Department of Municipal Affairs Act* as may from time to time be designated by the Municipal Board, and when any such designation is made, the membership of the board with respect to the designated function shall be augmented by the representatives that may be appointed or elected to the local board with a similar function in a township, village or town, as the case may be, and in such case a majority shall constitute a quorum. Board may function as local boards. Rev. Stat., c. 59.

(5) The chairman of the board, with respect to the improvement district, shall have the powers and perform the duties of a mayor or reeve and the chairman of any designated local board and when the locality erected into the improvement district forms part of a county for municipal purposes, he shall be a member of the county council. Chairman.

(6) The vice-chairman of the board, during the absence of the chairman through illness or otherwise or if the office of chairman is vacant, shall have all the powers and perform the duties of the chairman. Vice-chairman.

(7) The board shall appoint a secretary-treasurer who may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, shall have the powers and perform the duties of the clerk, treasurer, assessor and collector of a municipality, and the secretary and treasurer of every designated local board. Secretary-treasurer.

44*d*.—(1) When an improvement district has been in existence for more than three years, the board of Election of trustees.

trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections shall apply *mutatis mutandis*.

Chairman and vice-chairman.

(2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman.

Improvement districts heretofore erected.

(2) The inhabitants of every improvement district heretofore erected shall be deemed to have been incorporated under section 44*a* of *The Municipal Act* as re-enacted by subsection 1 and the name of every improvement district heretofore erected shall be varied in accordance therewith.

Rev. Stat., c. 266, s. 46, subs. 1, amended.

4.—(1) Subsection 1 of section 46 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act, 1946*, is further amended by striking out the words "Subject to subsection 7" at the commencement thereof, so that the said subsection, exclusive of the clauses, shall now read as follows:

Councils of cities, how composed.

(1) The council of a city shall be composed of a mayor, the members of the board of control, if the city has such a board, and

. . . . . .

Rev. Stat., c. 266, s. 46, subs. 7, repealed.

(2) Subsection 7 of the said section 46 is repealed.

Rev. Stat., c. 266, s. 47, subs. 2, amended.

5. Subsection 2 of section 47 of *The Municipal Act* is amended by inserting after the word "councillors" in the third line the words ", or a mayor and seven councillors,", so that the said subsection shall now read as follows:

Councils of towns over 5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Rev. Stat., c. 266, s. 48, subs. 1; subs. 2 (1946, c. 60, s. 12, subs. 1), re-enacted.

6. Subsection 1 of section 48 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1939*, and subsection 2 of the said section 48, as re-enacted by subsection 1 of section 12 of *The Municipal Amendment Act, 1946*, are repealed and the following substituted therefor:

Councils of towns of more than 5,000 in counties.

(1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward, but if there are five

or more wards the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward.

Alternate powers.

(2) Where the town has less than five wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve and six councillors, or a mayor, a reeve, a deputy reeve and four councillors, to be elected by general vote, and where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and one councillor for each ward.

Rev. Stat., c. 266, s. 53, subs. 1, cl. *k*, amended.

7. Clause *k* of subsection 1 of section 53 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1940*, is further amended by striking out the words "or separate school board of a city, town or village, or a member of a high school board" in the first, second and third lines and inserting in lieu thereof the words "separate or high school board", so that the said clause shall now read as follows:

(*k*) a member of a board of education or of a public, separate or high school board, unless he has on or before the day of nomination filed his resignation with the secretary of the board.

Rev. Stat., c. 266, s. 64 (1946, c. 60, s. 14), amended.

8. Section 64 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following subsection:

Power to fix place and hour of nomination meeting.

(3) The council may by by-law passed not later in the year than the 1st day of November fix the place and time of the nomination meeting and when the election for any office is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof, and the by-law shall remain in force from year to year until repealed.

Rev. Stat., c. 266, s. 65, subss. 1, 2 (1946, c. 60, s. 14), re-enacted.

9. Subsections 1 and 2 of section 65 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act, 1946*, are repealed and the following substituted therefor:

Power to fix nomination and polling days.

(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members

of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 1st day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof.

Rev. Stat., c. 266, s. 68 (1946, c. 60, s. 14), re-enacted.

10. Section 68 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Nomination meetings,— procedure.

68.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and recorded *seriatim*.

Nomination papers.

(2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present and shall be filed with the returning officer within one hour from the opening of the nomination meeting.

Effect of non-compliance with subs. 1 or 2.

(3) Failure to comply with subsection 1 or 2 shall not invalidate any nomination if it is received and acted upon by the returning officer without objection.

When proposed candidate absent.

(4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is attached thereto evidence satisfactory to the returning officer that he consents to be so nominated.

(5) The name, residence and occupation of every person nominated for the respective offices shall be posted up as the nomination papers are filed. Posting up of candidates' names, etc.

(6) At the nomination meeting or before nine o'clock in the afternoon of the same day, a candidate may resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated. Resignation of candidates.

(7) When a candidate makes the filings mentioned in subsection 1 of section 70 by filing the same with the returning officer or the clerk at the nomination meeting or before nine o'clock in the afternoon of the same day, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification of candidate.

(8) The returning officer shall not close the nomination meeting until such business as he considers may properly be brought before it has been disposed of. Close of meeting.

(9) The treasurer or collector of the municipality shall be in attendance at his office, or such place as is designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 70. Furnishing of certificates.

11. Section 71 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 71 (1946, c. 60, s. 14), re-enacted.

71. If no more candidates qualify for any office than the number to be elected, the clerk shall forthwith after the expiry of the time prescribed in section 70 declare the candidate or candidates duly elected. Acclamations.

12. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

73. If a candidate for any office dies after having qualified and before the close of the poll, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election. New election in case of death of candidate.

Rev. Stat., c. 266, s. 79, subs. 1 (1946, c. 60, s. 15), amended.

13. Subsection 1 of section 79 of *The Municipal Act*, as re-enacted by section 15 of *The Municipal Amendment Act, 1946*, is amended by adding at the commencement thereof the words "Notwithstanding any general or special Act", so that the said subsection shall now read as follows:

Two-year terms.

(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Rev. Stat., c. 266, s. 80, amended.

14. Section 80 of *The Municipal Act* is amended by striking out the figure "7" in the first line and inserting in lieu thereof the figure "3", so that the said section shall now read as follows:

Election to be held in municipality.

80. Subject to subsection 3 of section 65 and to section 88, the election shall be held in the municipality.

Rev. Stat., c. 266, s. 113, subs. 1, cl. *c*, repealed.

15.—(1) Clause *c* of subsection 1 of section 113 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 113, subs. 10, repealed; subs. 11, re-enacted.

(2) Subsections 10 and 11 of the said section 113 are repealed and the following substituted therefor:

Declaration of railway employee or commercial traveller.

(11) Every railway employee or commercial traveller offering himself as a voter at the polling place, before being allowed to vote, shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,.....
(*Name*) (*Address*)

declare that I am a.....
(*railway employee or commercial traveller*)

at present employed by.....

and that I expect in the course of my employment to be absent from this municipality on polling day, namely, the..... day of....., 19....

Dated at.....this.....
day of....., 19....

.....
Witness: *Name of Voter.*

.....
Deputy Returning Officer.

16. Section 140 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 140, re-enacted.

140.—(1) If, upon the casting up of the votes two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify a judge of the county or district court of the county or district in which the municipality is situate of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates. Provision for tie vote,—recount necessary.

(2) In such proceedings the provisions of sections 142 and 143 shall apply *mutatis mutandis*. Procedure.

(3) If the certificate of the result of the recount shows that the candidates still have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election. When clerk to have casting vote.

17. Clause *b* of section 172 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 172, cl. *b*, re-enacted.

(*b*) "Master" shall mean Master of the Supreme Court, and shall include Assistant Master. "Master".

18. Sections 173, 174, 177, 180, 181, 182, 184, 185, 188, 189, 191 and 192 of *The Municipal Act* are amended by striking out the words "in chambers" wherever they occur in the said sections. Rev. Stat., c. 266, Part IV, amended.

19.—(1) Subsections 1 and 2 of section 205 of *The Municipal Act*, as re-enacted by section 4 of *The Municipal Amendment Act, 1943*, are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 205, subss. 1, 2 (1943, c. 16, s. 4), re-enacted.

(1) The first meeting of the council of a local municipality shall be held on the second Monday in January at eleven o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law. First meeting of council,—local municipalities;

(2) The first meeting of the council of a county shall be held on the third Tuesday in January at two o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday county.

in January and at such hour as may be fixed by by-law.

Rev. Stat., c. 266, s. 205, subs. 3, amended.

(2) Subsection 3 of the said section 205 is amended by striking out the words "and qualification" in the second line, so that the said subsection shall now read as follows:

Declarations of office before business.

(3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Rev. Stat., c. 266, s. 205, subs. 4, amended.

(3) Subsection 4 of the said section 205 is amended by striking out the words "and qualification" in the second and third lines, so that the said subsection shall now read as follows:

When council deemed organized.

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

Rev. Stat., c. 266, s. 233, re-enacted.

20. Section 233 of *The Municipal Act* is repealed and the following substituted therefor:

Substitute for head of council as *ex officio* member of boards, etc.

233. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except a board of commissioners of police.

Rev. Stat., c. 266, s. 234, subs. 2 (1946, c. 60, s. 25), re-enacted.

21. Subsection 2 of section 234 of *The Municipal Act*, as re-enacted by section 25 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Deputy clerk.

(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting clerk.

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk under this and every other Act.

22. Subsection 2 of section 238 of *The Municipal Act*, as re-enacted by section 27 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 238, subs. 2 (1946, c. 60, s. 27), re-enacted.

(2) The council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer under this and every other Act. Deputy treasurer.

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties through illness or otherwise, the council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer under this and every other Act. Acting treasurer.

23.—(1) Subsection 1*a* of section 248 of *The Municipal Act*, as enacted by subsection 2 of section 32 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 248, subs. 1*a*, (1946, c. 60, s. 32, subs. 2), re-enacted.

(1*a*) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality in which the local board functions most, and in the event of disagreement as to the proper auditor the matter upon application may be determined by the Department. Where local board in more than one municipality.

(2) Subsection 2 of the said section 248 is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 248, subs. 2, re-enacted.

(2) No person shall be appointed an auditor who is or was during the preceding year a member of a municipal council or a local board or who has or had during the preceding year any direct or indirect interest in any contract with a municipality or a local board or any employment with any of them other than as an auditor. Disqualification for office of auditor.

24. Section 249 of *The Municipal Act*, as re-enacted by section 18 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 249 (1944, c. 39, s. 18), re-enacted.

249. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department. Duties of auditor.

25.—(1) Subsection 2 of section 257 of *The Municipal Act* is amended by adding at the end thereof the words "and shall be in such form and on such terms as the Department may approve", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 257, subs. 2, amended.

Nature of security.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve.

Rev. Stat., c. 263.

Rev. Stat., c. 266, s. 257, subs. 4, re-enacted.

(2) Subsection 4 of the said section 257 is repealed and the following substituted therefor:

Inspection and return as to security.

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies and guarantee contracts given under this section shall be deposited for safe keeping and where the same shall be available for inspection by the auditor and the auditor shall in his annual report to the Department include such information with respect to the same as may be required by the Department.

Rev. Stat., c. 266, s. 303, re-enacted.

26. Section 303 of *The Municipal Act* is repealed and the following substituted therefor:

Time for making application to quash.

303. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 314, shall not be entertained unless made within one year after the passing of the by-law, but if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time.

Rev. Stat., c. 266, s. 307, subs. 2, amended.

27.—(1) Subsection 2 of section 307 of *The Municipal Act* is amended by inserting after the word "insurance" in the first and second lines the words "or enters into an arrangement to provide pensions under paragraph 41*a* of section 404 or grants a retiring allowance under section 265", so that the said subsection shall now read as follows:

Premium note, pensions, retiring allowance.

(2) Where a corporation gives a premium note for fire insurance or enters into an arrangement to provide pensions under paragraph 41*a* of section 404 or grants a retiring allowance under section 265, it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1.

Retrospective effect.

(2) Subsection 1 shall be deemed to have come into effect on the 26th day of June, 1939.

Rev. Stat., c. 266, s. 307, subs. 3, cl. *aa* (1946, c. 60, s. 39), amended.

(3) Clause *aa* of subsection 3 of the said section 307, as re-enacted by section 39 of *The Municipal Amendment Act, 1946*, is amended by striking out the words, figures and letter

"or

"or section 404*a*" in the second and third lines, so that the said clause shall now read as follows:

(*aa*) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41*a* of section 404, or in paragraph 1, 1*a* or 2 of section 414; or

. . . . . .

Rev. Stat., c. 266, s. 314, subs. 5, amended.

28.—(1) Subsection 5 of section 314 of *The Municipal Act* is amended by striking out the words "or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice" in the eighth, ninth and tenth lines, so that the said subsection shall now read as follows:

Time for making application to quash registered by-law.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Rev. Stat., c. 266, s. 314, subs. 10, amended.

(2) Subsection 10 of the said section 314 is amended by striking out the words "or to publish notice of the registration of a by-law" in the first and second lines, so that the said subsection shall now read as follows:

Failure to register.

(10) Failure to register a by-law, as prescribed by this section, shall not invalidate it.

Rev. Stat., c. 266, s. 316*a*, subs. 2 (1943, c. 16, s. 6), amended.

29. Subsection 2 of section 316*a* of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, is amended by adding at the end thereof the words "and the earnings derived from the investment of such moneys shall form part of the reserve fund", so that the said subsection shall now read as follows:

Investment of reserve fund moneys.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may with the approval of the Department be invested in such securities as a trustee may

Rev. Stat., c. 165.

invest in under *The Trustee Act*, or be paid to the Treasurer of Ontario in which case the provisions of sections 328 and 329 shall *mutatis mutandis* apply, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat., c. 266, amended.

30. *The Municipal Act* is amended by adding thereto the following section:

Tenders for debentures.

338*b*. When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Rev. Stat., c. 266, s. 404, par. 16 (1946, c. 60, s. 48, subs. 2), amended.

31.—(1) Paragraph 16 of section 404 of *The Municipal Act*, as re-enacted by subsection 2 of section 48 of *The Municipal Amendment Act, 1946*, is amended by striking out the words "as may be deemed expedient" in the fifth and sixth lines and inserting in lieu thereof the words "based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board", so that the said paragraph shall now read as follows:

Fire protection agreements.

16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso.

Rev. Stat., c. 266, s. 404, par. 41*a*, cl. *a*, subcl. i (1939, c. 30, s. 23, subs. 2), re-enacted.

(2) Subclause i of clause *a* of paragraph 41*a* of the said section 404, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, and amended by subsection 6 of section 36 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

"Employee".

(i) "Employee" shall mean any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and shall include any person designated as an employee by the Minister.

Rev. Stat., c. 266, s. 405, amended.

32.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Fire halls, Fire-fighting Equipment.

30*a*. For acquiring land and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors. Fire halls, fire-fighting equipment.

. . . . . .

Heating and Cooking Equipment.

39*a*. For regulating, controlling and inspecting heating and cooking appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection therewith. Heating and cooking equipment.

. . . . . .

Lodging-houses.

40*a*. For licensing, regulating and governing lodging-houses, and the keepers of lodging-houses, and for revoking any such licence. Lodging-houses.

(*a*) Lodging-house shall mean any house or other building or portion thereof in which persons are harboured, received, or lodged for hire but shall not include an hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.

(*b*) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging-houses or lodging-house keepers, and may provide for the issue and revocation of licenses by the local board of health and for prohibiting the use of premises licensed under the by-law except for the purposes for which the license was issued and may fix the license fee for any class or classes of lodging-houses in accordance with a scale for each class or the number of inmates permitted in the lodging-house.

. . . . . .

47*a*. Notwithstanding any other Act, for laying, or maintaining, or for authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of Laying of pipes for oil, etc.

such pipes or conduits on such terms and conditions as may be agreed upon.

(*a*) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

Telephone booths.

47*b*. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council may deem reasonable.

Rev. Stat., c. 266, s. 405, par. 69 (1944, c. 39, s. 38, subs. 3), repealed.

(2) Paragraph 69 of the said section 405, as enacted by subsection 3 of section 38 of *The Municipal Amendment Act, 1944*, is repealed.

Existing pipe-line agreements.

(3) Every agreement now in force with respect to pipes or conduits that conforms with paragraph 47*a* of section 405 of *The Municipal Act* as enacted by subsection 1 shall be deemed to have been made pursuant to the authority of the said paragraph.

Rev. Stat., c. 266, s. 407, par. 3*a* (1946, c. 60, s. 51, subs. 1), repealed.

33.—(1) Paragraph 3*a* of section 407 of *The Municipal Act*, as enacted by subsection 1 of section 51 of *The Municipal Amendment Act, 1946*, is repealed.

Rev. Stat., c. 266, s. 407, par. 14, repealed.

(2) Paragraph 14 of the said section 407 is repealed.

Rev. Stat., c. 266, s. 407, par. 16, repealed.

(3) Paragraph 16 of the said section 407 is repealed.

Rev. Stat., c. 266, s. 408, par. 10, amended.

34.—(1) Paragraph 10 of section 408 of *The Municipal Act* is amended by striking out all the words after the word "machines" in the second line, so that the said paragraph shall now read as follows:

Fees.

10. For imposing, levying and collecting fees for the use of such weighing machines.

Rev. Stat., c. 266, s. 408, par. 11, cl. *d*, repealed.

(2) Clause *d* of paragraph 11 of the said section 408 is repealed.

Rev. Stat., c. 266, s. 408, par. 12, cl. iv, amended.

(3) Clause iv of paragraph 12 of the said section 408 is amended by striking out all the words after the word "imposed" in the first line, so that the said clause shall now read as follows:

(iv) to pay such fee for measuring as may be imposed.

Rev. Stat., c. 266, s. 409, subss. 7, 8, repealed.

35. Subsections 7 and 8 of section 409 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 414, par. 4, repealed.

36. Paragraph 4 of section 414 of *The Municipal Act*, as amended by section 40 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat., c. 266, s. 416, repealed.

37. Section 416 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 423, pars. 4, 8, repealed.

38. Paragraph 4, as amended by subsection 2 of section 17 of *The Municipal Amendment Act, 1941*, and paragraph 8 of section 423 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 425, par. 2, repealed.

39.—(1) Paragraph 2 of section 425 of *The Municipal Act*, as amended by subsection 2 of section 55 of *The Municipal Amendment Act, 1946*, is repealed.

Rev. Stat., c. 266, s. 425, par. 4, re-enacted.

(2) Paragraph 4 of the said section 425, as amended by subsection 3 of section 55 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Area fire-protection agreements.

4. For entering into agreement with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Rev. Stat., c. 266, s. 425, amended.

(3) The said section 425 is further amended by adding thereto the following paragraph:

Extension of utilities.

18. For exercising in respect of the township or any defined area thereof the powers conferred on the councils of urban municipalities by paragraph 2 of section 407, in which case the said paragraph shall apply *mutatis mutandis* to the township or any defined area thereof.

Rev. Stat., c. 266, s. 427, par. 1 (1943, c. 16, s. 16), amended.

40. Paragraph 1 of section 427 of *The Municipal Act*, as re-enacted by section 16 of *The Municipal Amendment Act, 1943*, is amended by inserting after the figure and letter "2*a*" in the second line the word and figure "and 5", so that the said paragraph shall now read as follows:

Garbage, ashes, lavatories, etc.

1. For exercising the powers conferred on cities and towns by paragraphs 1 to 2*a* and 5 of section 414.

Rev. Stat., c. 266, amended.

41. *The Municipal Act* is amended by adding thereto the following section:

428. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police in cities:

Teamsters, cab owners, cab drivers, vehicles for hire, etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; and for revoking any such license.

Livery stables.

2. For licensing, regulating and governing keepers of livery stables and of horses used for hire.

Rev. Stat., c. 266, s. 433, par. 1, amended.

42.—(1) The first eleven lines of paragraph 1 of section 433 of *The Municipal Act* are repealed and the following substituted therefor:

Licensing, etc., salesmen.

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the municipality afterwards.

. . . . . .

Rev. Stat., c. 266, s. 433, par. 1, cl. *a*, re-enacted.

(2) Clause *a* of paragraph 1 of the said section 433 is repealed and the following substituted therefor:

When license not required.

(*a*) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,

(i) to wholesale or retail dealers in similar goods, wares or merchandise, or

(ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

(iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm.

(3) Clause *e* of paragraph 1 of the said section 433 is repealed. Rev. Stat., c. 266, s. 433, par. 1, cl. *e*, repealed.

43.—(1) Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 439, amended.

Coal Dealers, etc.

1*a*. For licensing, regulating and governing dealers in coal, coke, oil or other fuel and for revoking or suspending the license of any such dealer. Licensing, etc., fuel dealers.

(*a*) The fee for such license shall not exceed $5 per year.

(*b*) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.

(2) Clause *f* of paragraph 6 of the said section 439 is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 439, par 6, cl. *f*, re-enacted.

(*f*) The sum paid for a license shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the same on account of taxes payable in respect of the business during the year in which the license was issued and five years thereafter. Credit of fees on taxes.

44. Paragraph 1 of section 441 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 441, par. 1, repealed.

45. Section 442 of *The Municipal Act*, as amended by section 13 of *The Municipal Amendment Act, 1938*, and section 60 of *The Municipal Amendment Act, 1946*, is repealed. Rev. Stat., c. 266, s. 442, repealed.

46. Clause *b* of subsection 1 of section 445 of *The Municipal Act*, as re-enacted by section 46 of *The Municipal Amendment Act, 1944*, is repealed. Rev. Stat., c. 266, s. 445, subs. 1, cl. *b* (1944, c. 39, s. 46), repealed.

47. Subsection 1 of section 540 of *The Municipal Act* is amended by striking out the words "payable on the instalment plan, at such time within ten years and in such manner as the trustees may request" at the end thereof. Rev. Stat., c. 266, s. 540, subs. 1, amended.

Rev. Stat., c. 266, s. 541, subs. 1, amended.

48.—(1) Subsection 1 of section 541 of *The Municipal Act* is amended by striking out all the words after the word "protection" in the fourth line, so that the said subsection shall now read as follows:

Purchase of fire engines and appliances with consent of township council.

(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

Rev. Stat., c. 266, s. 541, subs. 2, amended.

(2) Subsection 2 of the said section 541 is amended by striking out all the words after the word "township" in the fourth line, so that the said subsection shall now read as follows:

Township to pass debenture by-law.

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

Rev. Stat., c. 266, s. 542, re-enacted.

49. Section 542 of *The Municipal Act* is repealed and the following substituted therefor:

Fire-protection agreements.

542. The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso.

Rev. Stat., c. 266, s. 543, subs. 3, cl. *b*, amended.

50. Clause *b* of subsection 3 of section 543 of *The Municipal Act* is amended by striking out the words "on the instalment plan, payable within ten years" in the second and third lines, so that the said clause shall now read as follows:

(*b*) such money be raised by the issue of debentures of the corporation of the township.

Commencement of Act.

51. This Act shall come into force on the 1st day of June, 1947.

Short title.

52. This Act may be cited as *The Municipal Amendment Act, 1947.*

CHAPTER 70.

An Act to amend The Municipal Franchises Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Municipal Franchises Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 3, subs. 1, re-enacted.

(1) A municipal corporation shall not grant to any person nor shall any person acquire the right to use or occupy any of the highways of the municipality except as provided in *The Municipal Act*, or to construct or operate any part of a transportation system or public utility in the municipality, or to supply to the corporation or to the inhabitants of the municipality or any of them, gas, steam or electric light, heat or power, unless a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted or acquired has been assented to by the municipal electors. Where assent required. Rev. Stat., c. 266.

(1*a*) Subsection 1 shall not apply to The Hydro-Electric Power Commission of Ontario. Hydro Commission exempt.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1947*. Short title.

CHAPTER 71.

The Nurses Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "certified nursing assistant" shall mean a person who may be designated as a certified nursing assistant under section 5; "certified nursing assistant";

(*b*) "Director" shall mean Director of Nurses Registration appointed under this Act; "Director";

(*c*) "Minister" shall mean Minister of Health; "Minister";

(*d*) "register" shall mean register of nurses and nursing assistants maintained under this Act and "registered" shall have a corresponding meaning; "register";

(*e*) "registered nurse" shall mean a person who may be designated as a registered nurse under section 5; and "registered nurse";

(*f*) "regulations" shall mean regulations made under this Act. *New.* "regulations".

2. There shall be a Director of Nurses Registration who shall be appointed by the Lieutenant-Governor in Council and shall exercise such powers and perform such duties as may be conferred or imposed by the regulations or the Minister. 1944, c. 42, s. 1, *part*, *amended*. Director of Nurses Registration,— appointment.

3. There shall be a register of nurses and nursing assistants which shall be maintained by the Director. *New.* Register.

4.—(1) Subject to the regulations, a training school for nurses or a training course for nursing assistants may be established, maintained and conducted in any hospital, sanatorium, sanitarium or university. R.S.O. 1937, c. 230, s. 1, cl. (*a*), *amended*. Training school,— establishment.

Compliance with regulations.

(2) No person shall establish, maintain or conduct a training school or training course for nurses or nursing assistants, or train or instruct or hold himself out as being able or willing to train or instruct persons to become nurses or nursing assistants, except in accordance with the regulations.

Penalty.

(3) Any person who contravenes the provisions of subsection 2 shall be guilty of an offence and shall incur a penalty of not less than $50 and not exceeding $100 for a first offence and a penalty of not less than $100 and not exceeding $500 for each subsequent offence. 1938, c. 25, s. 2, *amended.*

Registration as nurse.

5.—(1) A graduate of a training school for nurses shall, upon payment of the prescribed fee, be entitled to be registered as a nurse and while so registered may be designated as a "registered nurse". R.S.O. 1937, c. 230, s. 1, cl. (*b*), *amended.*

Registration as nursing assistant.

(2) A graduate of a training course for nursing assistants shall, upon payment of the prescribed fee, be entitled to be registered as a nursing assistant and while so registered may be designated as a "certified nursing assistant." *New.*

Use of title "registered nurse".

6.—(1) No person other than a registered nurse shall use the title "registered nurse" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nurse under this Act. R.S.O. 1937, c. 230, s. 2, *part, amended.*

Use of title "certified nursing assistant".

(2) No person other than a certified nursing assistant who is registered shall use the title "certified nursing assistant" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nursing assistant under this Act. *New.*

Penalty.

(3) Any person who contravenes the provisions of subsection 1 or 2 shall be guilty of an offence and shall incur a penalty not exceeding $100. R.S.O. 1937, c. 230, s. 2, *part, amended.*

Recovery of penalties. Rev. Stat., c. 136.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act. New.*

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

(*a*) regulating the establishment, maintenance and conduct of training schools for nurses and training courses for nursing assistants;

(*b*) prescribing the requirements for admission to training schools for nurses and training courses for nursing assistants;

(*c*) providing for the holding of examinations for nurses or nursing assistants who are in attendance at or graduates of training schools or training courses, as the case may be;

(*d*) governing the registration of graduates of training schools or training courses located within or without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;

(*e*) prescribing the powers and duties of the Director of Nurses Registration;

(*f*) providing for the inspection of training schools and training courses;

(*g*) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;

(*h*) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and

(*i*) generally for the better carrying out of the provisions of this Act. 1944, c. 42, s. 1, *part*, *amended*.

9. This Act may be cited as *The Nurses Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 72.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan of $60,000,000 authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars ($60,000,000).

Terms to be fixed by Lieutenant-Governor in Council.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act.*

Rev. Stat., c. 22.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1947.*

CHAPTER 73.

An Act to amend The Ontario Municipal Board Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 7, re-enacted.

7.—(1) The Board shall be composed of as many members as the Lieutenant-Governor in Council may from time to time determine. Composition of Board.

(2) The members shall be appointed by the Lieutenant-Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman. Idem.

(2) The members of the Ontario Municipal Board heretofore appointed shall continue in their respective offices during pleasure. Present members.

2. Subsection 1 of section 69 of *The Ontario Municipal Board Act* is amended by striking out the proviso in the fourteenth, fifteenth, sixteenth and seventeenth lines. Rev. Stat., c. 60, s. 69, subs. 1, amended.

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 74

An Act to amend The Ontario Northland Transportation Commission Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 2 of section 6 of *The Ontario Northland Transportation Commission Act*, as enacted by section 6 of *The Ontario Northland Transportation Commission Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 6, subs. 2, cl. *f* (1946, c. 67, s. 6), re-enacted.

(*f*) purchase or otherwise acquire, construct, complete, equip, maintain or operate such undertakings and provide such services in that part of Ontario which is served by the Commission, as the Commission may deem to be for the benefit of travellers therein or residents thereof;

(*g*) make financial contributions to or for undertakings or services which are maintained or provided in that part of Ontario which is served by the Commission for the benefit of travellers therein or residents thereof.

2. Subsection 1 of section 31 of *The Ontario Northland Transportation Commission Act* is amended by striking out the words "for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof" in the third to eighth lines and inserting in lieu thereof the words "for carrying out its purposes", so that the said subsection shall now read as follows: Rev. Stat., c. 55, s. 31, subs. 1, amended.

(1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for carrying out its purposes, and may Commission authorized to issue bonds, etc.

issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Rev. Stat., c. 55, s. 34, subs. 1, re-enacted.

3. Subsection 1 of section 34 of *The Ontario Northland Transportation Commission Act* is repealed and the following substituted therefor:

Application of revenue.

(1) The revenues and receipts of the Commission shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made and all surpluses shall be paid into the Consolidated Revenue Fund at such times and in such amounts as the Lieutenant-Governor in Council may direct.

Sinking fund.

(1*a*) The Commission may provide a sinking fund for the purpose of the redemption of any securities issued by the Commission.

Commencement of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1947.*

CHAPTER 75.

An Act to amend The Planning Act, 1946.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1946, c. 71, s. 1, cl. *g*, re-enacted.

1. Clause *g* of section 1 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

"official plan".

(*g*) "official plan" shall mean a plan consisting of maps and texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area or any part thereof, showing a programme of development, or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and without limiting the generality of the foregoing and in order to promote the best use of the land in the area, an official plan may provide for the regulation of the use of land, buildings and structures and the location of buildings and structures.

1946, c. 71, amended.

2. *The Planning Act, 1946*, is amended by adding thereto the following section:

Minister may vary planning board.

4*a*. Notwithstanding sections 2, 3 and 4, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the board, the procedures by which it is appointed and the manner in which it shall function.

1946, c. 71, s. 6, re-enacted.

3. Section 6 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Finances.

6.—(1) The planning board shall submit annually to the council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Grants in aid,— local municipalities;

(2) Any municipality within or partly within a planning area may make grants of money to the planning board.

counties.

(3) The county in which a planning area or part thereof is situated may make grants of money to the planning board.

1946, c. 71, s. 11, amended.

4. Section 11 of *The Planning Act, 1946*, is amended by adding at the end thereof the words "provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality", so that the said section shall now read as follows:

Alterations and additions.

11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto, provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality.

1946, c. 71, s. 12, re-enacted.

5. Section 12 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Non-conforming by-laws prohibited.

12. Notwithstanding any other Act, where an official plan is in effect no by-law shall be passed for any purpose that does not conform therewith.

1946, c. 71, s. 13, re-enacted.

6. Section 13 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Conflict.

13. Where there is conflict between an official plan and any by-law, the official plan shall prevail.

1946, c. 71, s. 14, re-enacted.

7. Section 14 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Committee of adjustment.

14.—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or any of its members as a committee of adjustment, unless and until the council constitutes such a committee composed of such persons as the council, subject to the approval of the Minister, may deem advisable.

Term of office.

(2) The members of a committee shall remain in office during the pleasure of the board or council, as the case may be.

Quorum.

(3) Two members or one-third of the members of the committee, whichever is greater, shall constitute a quorum.

(4) The members of a committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise the committee may appoint another member to act as chairman *pro tempore.* Chairman.

(5) The committee shall appoint a secretary-treasurer who may be a member of the committee. Secretary-treasurer.

(6) The committee, upon the application of the owner of land affected by any by-law that implements an official plan, may, notwithstanding any other Act, exempt or partly exempt the land from the operation of the by-law, provided that the general purpose of the by-law and the official plan is maintained and that the objections, if any, to the application have been withdrawn. Powers of committee. Proviso.

(7) The committee shall, before hearing an application, give notice thereof in such manner and to such persons as the committee shall deem proper. Notice.

(8) The committee may require that a fee of not more than $25 be paid on every such application. Fees.

(9) At the place and time appointed for the hearing the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. Hearing.

(10) When the decision of the committee does not exempt or partially exempt land from the operation of the by-law, the committee shall put its decision in writing and send a copy thereof, signed by the secretary-treasurer, to the applicant. Decision not to exempt.

(11) When the decision of the committee exempts or partly exempts land from the operation of the by-law, the committee shall put its decision in writing and send two copies thereof, signed by the secretary-treasurer, to the Minister. Decision to exempt.

(12) The Minister shall receive the decision of the committee and may approve, reverse or vary the same in any manner that he deems proper. Review.

(13) As approved, reversed or varied by the Minister, the decision shall be final and binding and a notice thereof shall be sent by the Minister to the committee and the committee shall thereupon notify the applicant of the result. Effect of decision.

1946, c. 71, s. 15, subs. 2, re-enacted.

8. Subsection 2 of section 15 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Powers of designated municipality.

(2) For the purpose of developing any feature of the official plan the designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area.

Powers of county.

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 with respect to the land within the county.

Contributions to cost.

(4) Any county or municipality may contribute towards the cost of acquiring land under this section.

1946, c. 71, s. 23, re-enacted.

9. Section 23 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Urban development areas.

23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no person shall convey land in the area by way of a deed or transfer on any sale or enter into an agreement of sale and purchase or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more,—

(*a*) unless the land is described in accordance with and is within a registered plan of subdivision;

(*b*) unless the land is more than ten acres in area;

(*c*) unless the land is the whole part remaining to the person of one parcel described in a registered conveyance to him; or

(*d*) unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given.

Lodging of copies of by-law.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and registered

in the proper registry office where the same shall be made available to the public as productions.

(3) When an area is designated as an urban development area it shall not be altered or dissolved without the approval of the Minister. Alteration and dissolution.

(4) Every person who contravenes this section shall be guilty of an offence and liable to a penalty of not more than $500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

10. Section 24 of *The Planning Act, 1946*, is amended by adding thereto the following subsection: 1946, c. 71, s. 24, amended.

(3) Every person who contravenes an order of the Minister made under this section shall be guilty of an offence and liable to a penalty of not more than $500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

11.—(1) Subsection 1 of section 25 of *The Planning Act, 1946*, is repealed and the following substituted therefor: 1946, c. 71, s. 25, subs. 1, re-enacted.

(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the person desiring to register the plan shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval, to the Minister. Application for approval of subdivision plans.

(2) Clause *f* of subsection 2 of the said section 25 is amended by adding at the end thereof the words "and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision", so that the said clause shall now read as follows: 1946, c. 71, s. 25, subs. 2, cl. *f*, amended.

(*f*) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision.

(3) Clause *d* of subsection 4 of the said section 25 is amended by adding at the end thereof the words "and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof", so that the said clause shall now read as follows: 1946, c. 71, s. 25, subs. 4, cl. *d*, amended.

(*d*) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof.

1946, c. 71, s. 25, subs. 6, amended.

(4) Subsection 6 of the said section 25 is amended by striking out the words, "*The Surveys Act*, *The Registry Act* or *The Land Titles Act*" in the third and fourth lines and inserting in lieu thereof the words "*The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*", so that the said subsection shall now read as follows:

When draft plan approved.

(6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

Rev. Stat., cc. 232; 170; 174.

1946, c. 71, s. 25, amended.

(5) The said section 25 is further amended by adding thereto the following subsection:

Dedication of land for public and highway purposes.

(4*a*) The Minister may impose as a condition to the approval of a plan of subdivision that not more than five per centum of the land therein shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet from the centre line of the highway as originally established.

1946, c. 71, s. 26, re-enacted.

12. Section 26 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Right to restrain.

26. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality and any contravention of an order of the Minister made under section 24 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining muni-

cipality or any ratepayer of any such municipality or adjoining municipality.

13. Section 28 of *The Planning Act, 1946*, is repealed and the following substituted therefor: 1946, c. 71, s. 28, re-enacted.

28.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval or consent, as the case may be, of the Board shall have the same force and effect as if it were the approval or consent of the Minister. Reference to Municipal Board.

(2) When under this Act the approval of the Minister is given, the signature of the Minister or the seal of the Ontario Municipal Board, as the case may be, by which the approval is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval have been complied with. Effect of approval.

14. *The Planning Act, 1946*, is amended by adding thereto the following section: 1946, c. 71, amended.

28*a*. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act shall prevail. Conflict.

15. Section 29 of *The Planning Act, 1946*, is repealed and the following substituted therefor: 1946, c. 71, s. 29, re-enacted.

29. *The Planning and Development Act* is repealed. Rev. Stat., c. 270, repealed.

16. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

17. This Act may be cited as *The Planning Amendment Act, 1947*. Short title.

CHAPTER 76.

An Act to amend The Plant Diseases Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Plant Diseases Act* is amended by adding thereto the following section: Rev. Stat., c. 346, amended.

6*a*. The Minister may, upon the petition of one or more producers of apples, prescribe plant disease control areas and may by order prescribe and provide for special methods for the control of plant diseases in any such area. Disease control areas.

2. Clause *i* of section 9 of *The Plant Diseases Act* is amended by adding at the end thereof the words "or any plant liable to be so infested", so that the said clause shall now read as follows: Rev. Stat., c. 346, s. 9, cl. *i*, amended.

(*i*) providing for the seizure, removal, destruction and confiscation of any plant, fruit or container infested with a plant disease or any plant liable to be so infested.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Plant Diseases Amendment Act, 1947*. Short title.

CHAPTER 77.

An Act to amend The Police Act, 1946.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act, 1946*, is amended by re-lettering the present clause *a* as clause *aa* and by adding thereto the following clause: 1946, c. 72, s. 1, amended.

(*a*) "association" shall mean an association, "association";

(i) having among its objects the improvement of conditions of service or remuneration of the members of a police force, and

(ii) the membership of which is limited to one police force;

. . . . . .

2. Clause *b* of subsection 2 of section 3 of *The Police Act, 1946*, is repealed. 1946, c. 72, s. 3, subs. 2, cl. *b*, repealed.

3. Subsection 2 of section 5 of *The Police Act, 1946*, is repealed and the following substituted therefor: 1946, c. 72, s. 5, subs. 2, re-enacted.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney-General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. Action by Attorney-General.

4. *The Police Act, 1946*, is amended by adding thereto the following section: 1946, c. 72, amended.

Where company fails to enter into agreement.

5*a*. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 39 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 6, subs. 1, amended.

5. Subsection 1 of section 6 of *The Police Act, 1946*, is amended by inserting after the word "any" in the second line the words "village or", so that the said subsection shall now read as follows:

Constitution of boards of commissioners of police.

(1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

1946, c. 72, s. 14, amended.

6.—(1) Section 14 of *The Police Act, 1946*, is amended by adding at the commencement thereof the words "Subject to the approval of the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Board may make regulations.

14. Subject to the approval of the Lieutenant-Governor in Council, the board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.

Existing regulations under s. 14 to expire.

(2) Any regulations which on the 1st day of June, 1947, are in force under section 14 of *The Police Act, 1946*, shall cease to have any force or effect on the 1st day of January, 1948.

1946, c. 72, s. 15, subs. 1, re-enacted.

7. Subsection 1 of section 15 of *The Police Act, 1946*, is repealed and the following substituted therefor:

Police force subject to board.

(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful directions.

1946, c. 72, s. 18, re-enacted.

8. Section 18 of *The Police Act, 1946*, is repealed and the following substituted therefor:

18. The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the Board designated by the Lieutenant-Governor in Council or appointed by the Attorney-General and may provide for the payment of an allowance to the head of the council. Remuneration.

9. Section 27 of *The Police Act, 1946*, is repealed and the following substituted therefor: 1946, c. 72, s. 27, re-enacted.

27. Where there is no board any constable who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. Power of suspension.

10. *The Police Act, 1946*, is amended by adding thereto the following heading and sections: 1946, c. 72, amended.

BARGAINING AND ARBITRATION.

27*a*. A member of a police force shall not remain or become a member of any trade union or of any organization which is affiliated directly or indirectly with a trade union. Membership in trade union forbidden.

27*b*.—(1) Where one or more full-time members of a police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations made pursuant to this Act. Bargaining.

(2) Where not less than fifty per centum of the members of the police force belong to an association any request made under subsection 1 shall be made by the association. Association.

(3) In every case the members of a bargaining committee shall be members of the police force, but where,— Affiliated body.

(*a*) the association is affiliated with any police organization; or

(*b*) not less than fifty per centum of the members of the police force belong to any police organization,

at all meetings held with the council of the municipality

pality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Board of arbitration.

27*c*.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27*b* the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney-General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.

Reference to Attorney-General.

27*d*.—(1) In the case of a police force having less than five members, where after bargaining under section 27*b*, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney-General.

Inquiry and report.

(2) Where a matter is referred to the Attorney-General under subsection 1, the Attorney-General may cause

such inquiry to be made as he deems necessary and shall report his findings to the parties.

Publication of report.

(3) The Attorney-General may cause the report of his findings to be published in such manner as he may deem advisable.

Effect of agreement or award.

27*e*.—(1) Every agreement made under section 27*b* and every decision or award of a majority of the members of the board of arbitration under section 27*c* shall be binding upon the council of the municipality, the board, where there is a board, and the members of the police force.

Commencement of agreement or award.

(2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

Duration of agreement or award.

(3) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force.

11. Subsection 1 of section 33 of *The Police Act, 1946*, is repealed and the following substituted therefor: 1946, c. 72, s. 33, subs. 1, re-enacted.

Expenses of Ontario Provincial Police Force,— when payable by municipality.

(1) The Crown attorney may request the services of a member of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the expenses of any member of such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

12. *The Police Act, 1946*, is amended by adding thereto the following section: 1946, c. 72, amended.

Municipality may request assistance of Ontario Provincial Police.

33*a*.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance

of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary.

Expenses,— how payable.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 34, amended.

13. Section 34 of *The Police Act, 1946*, is amended by inserting after the word "officer" in the first line the words "except a special constable" and by striking out all the words after the word "Ontario" in the fourth line, so that the said section shall now read as follows:

Constables empowered to act throughout Ontario.

34. Every constable and every other police officer, except a special constable, appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario.

1946, c. 72, s. 38, re-enacted.

14. Section 38 of *The Police Act, 1946*, is repealed and the following substituted therefor:

Officers and constables,— agreement as to services.

38. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of officers and constables of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section.

1946, c. 72, s. 39, amended.

15. Section 39 of *The Police Act, 1946*, is amended by adding thereto the following subsections:

No agreement except on request of board.

(1*a*) In municipalities having a board no agreement shall be entered into under the provisions of this section except at the request of the board.

Rates of pay to be considered.

(1*b*) No agreement shall be entered into under the provisions of this section with a municipality at a cost

which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the provisions of sections 27*b* to 27*e*.

. . . . . .

Fines, etc.

(4) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality.

16.—(1) *The Police Act, 1946*, is amended by adding thereto the following sections: 1946, c. 72, amended.

When board to act in advisory capacity.

39*a*. Where pursuant to section 39 the Commissioner enters into an agreement with a municipality having a board, the provisions of sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality.

. . . . . .

Policing building or area beyond boundaries of municipality.

42*a*. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area.

Special constables.

42*b*.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.

Notice of appointment.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which rendered it expedient shall be forthwith transmitted to the Commissioner.

Suspension or termination of services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of special constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 40.

Causing disaffection —an offence.

42*c*.—(1) Every person, including a member of a police force who,—

(*a*) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;

(*b*) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or

(*c*) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable to a penalty of not more than $500 or to imprisonment for a term not exceeding one year or both.

Assent of Attorney-General required.

(2) No prosecution shall be instituted under this section without the consent of the Attorney-General.

Disqualification and forfeiture of rights.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—

(*a*) cease to be a member and shall not thereafter be appointed to any police force; and

(*b*) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme.

Recovery of penalties. Rev. Stat., c. 136.

(4) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Validation of agreements.

(2) Every agreement entered into by a municipality prior to the coming into force of this Act to pay the whole or a

portion of the cost of policing a building or area beyond the boundaries of the municipality but in which the municipality has an interest, is validated.

17. Clause *d* of subsection 1 of section 43 of *The Police Act, 1946*, is repealed and the following substituted therefor: 1946, c. 72, s. 43, subs. 1, cl. *d*, re-enacted.

(*d*) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney-General.

18. Every judge of a county or district court and every magistrate who was a member of a board of commissioners of police on the 31st day of January, 1947, shall be deemed to have been designated by the Lieutenant-Governor in Council under section 6 of *The Police Act, 1946*, and shall continue to be a member of the board until his successor is designated. Judges and magistrates,—designation as members of boards.

19. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

20. This Act may be cited as *The Police Amendment Act, 1947*. Short title.

(NOTE: For further amendments to *The Police Act, 1946*, see section 7 of *The Statute Law Amendment Act, 1947 (No. 2)*, which appears as chapter 102 of this volume.)

CHAPTER 78.

An Act to amend The Power Commission Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 2, re-enacted.

2. The Commission shall, for the purposes herein mentioned, continue to be a body corporate and shall consist of not more than nine persons appointed by the Lieutenant-Governor in Council. Constitution of Commission.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

3. This Act may be cited as *The Power Commission Amendment Act, 1947.* Short title.

(NOTE: For further amendments to *The Power Commission Act*, see *The Power Commission Amendment Act, 1947 (No. 2)*, which appears as chapter 79 of this volume.)

CHAPTER 79.

An Act to amend The Power Commission Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 58 of *The Power Commission Act*, as amended by section 7 of *The Power Commission Amendment Act, 1943*, is further amended by adding at the commencement thereof the words, figures and letter "Except as provided in section 58*a*", so that the said section shall now read as follows: Rev. Stat., c. 62, s. 58, amended.

58. Except as provided in section 58*a*, where the Commission has heretofore entered or shall hereafter enter into an agreement for the supplying of electrical power or energy by or to the Commission or for any other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding. Effect of approval of agreements by Lieutenant-Governor in Council.

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 62, amended.

58*a*.—(1) Notwithstanding anything in this Act or in any general or special Act or in any contract heretofore or hereafter entered into by the Commission or by any municipal corporation for which the Commission supplies electrical power, pursuant to section 71, where at any time the Commission is of opinion that a state of emergency exists by reason of damage to or destruction, failure or breakdown of any of its works, wastage of power, power demand in excess of its power resources or other matters restricting its ability to deliver power, and the Commission so declares, the Commission may, during the state of emergency,— State of emergency.

(*a*) allocate and distribute its available power amongst the customers under such contracts and interrupt or decrease delivery of power under any contract during the continuance of the emergency; and

(*b*) with the approval of the Lieutenant-Governor in Council, regulate, restrict, prohibit and control the generation, transformation, transmission, distribution, supply and use of electrical power supplied by it,

in order to effect what is in its opinion the most economical, efficient and equitable use and distribution of such electrical power.

No breach of contract.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the Commission or any municipal corporation or entitle any person to rescind any contract or release any guarantor from the performance of his obligations.

Rev. Stat., c. 62, s. 97, re-enacted.

3. Section 97 of *The Power Commission Act* is repealed and the following substituted therefor:

Orders of Commission,— penalty for disobeying.

97. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order, regulation, prohibition or direction of the Commission or of a member thereof made under section 86, or any order, regulation, prohibition or direction of the Commission made under sections 58*a*, 87, 89, 90, 92, 93, 94 and 96, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario, the sum of $100 for every day during which such neglect or refusal shall continue.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Power Commission Amendment Act, 1947 (No. 2).*

CHAPTER 80.

An Act to amend The Professional Engineers Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Professional Engineers Act*, as re-enacted by section 4 of *The Professional Engineers Amendment Act, 1946*, is amended by adding thereto the following clauses: Rev. Stat., c. 237, s. 4, subs. 1 (1946, c. 75, s. 4), amended.

(*aa*) prescribing a code of professional ethics;

(*aaa*) defining "unprofessional conduct", "gross negligence", "incompetence" and "serious criminal offence" for the purposes of subsection 1 of section 32.

2. This Act may be cited as *The Professional Engineers Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 81.

An Act to amend The Provincial Forests Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule A to *The Provincial Forests Act* is amended by striking out the following heading and words: Rev. Stat., c. 38, Sched. A, amended.

SIBLEY PROVINCIAL FOREST

That area known as the Sibley Forest Reserve comprising 80 square miles more or less.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Provincial Forests Amendment Act, 1947.* Short title.

CHAPTER 82.

An Act to amend The Public Health Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clauses: Rev. Stat., c. 299, s. 5, amended.

(*zm*) prescribing standards for the construction, operation and maintenance of any premises where food or drink for human consumption is manufactured, processed or handled; Food licensing and standards.

(*zn*) regulating or restricting the manufacturing, processing, preparing, selling or offering for sale of any food or drink for human consumption. Food handling.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Public Health Amendment Act, 1947*. Short title.

CHAPTER 83.

An Act to amend The Public Hospitals Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 16 of *The Public Hospitals Act*, as re-enacted by section 4 of *The Public Hospitals Amendment Act, 1945*, is amended by striking out the symbol and figures "$1.50" in the last line and inserting in lieu thereof the symbol and figures "$2.25", so that the said clause shall now read as follows: Rev. Stat., c. 390, s. 16, cl. *a* (1945, c. 18, s. 4), amended.

(*a*) in the case of a hospital which, under the regulations, is classed as a convalescent hospital, hospital for incurable patients or a hospital for chronic patients, at the rate of $2.25 per day; and

. . . . . .

2. This Act shall come into force on the 1st day of January, 1948. Commencement of Act.

3. This Act may be cited as *The Public Hospitals Amendment Act, 1947*. Short title.

CHAPTER 84.

An Act to amend The Public Lands Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat., c. 33, amended.

42*a*. Where, before the 16th day of December, 1941,— Issue of patent.

(*a*) a person was located on land in excess of the acreage prescribed in subsection 1 or 2 of section 36 and either before or after such date completed the settlement duties in respect thereof; or

(*b*) a person was located on land, whether or not in excess of the acreage prescribed in subsection 1 or 2 of section 36, and either before or after such date completed the settlement duties in respect of adjacent land in excess of the acreage prescribed in subsection 3 of section 36,

a patent may issue for all of such land notwithstanding such excess acreage.

(2) All letters patent heretofore issued under Part II of *The Public Lands Act* are confirmed and declared to be legal and valid notwithstanding that the lands therein granted were in excess of the acreage prescribed in section 36 of *The Public Lands Act*. Confirmation of patents issued under Part II.

2. Section 48 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 48, re-enacted.

48.—(1) On the death of the locatee, whether before or after the issue of the letters patent, all his then interest and right in the land, including the right to Right of widow on death of locatee.

letters patent granting the land, shall descend to and become vested in his widow in lieu of dower, but the widow may elect to have her dower in the land in lieu of this provision.

Right of widow of locatee after re-marriage.

(2) Where the widow of a locatee remarries, she shall not thereby divest herself of any interest or right vested in her under subsection 1.

Commencement of Act.

3. This Act shall come into force on the 1st day of June, 1947.

Short title.

4. This Act may be cited as *The Public Lands Amendment Act, 1947*.

(NOTE: For further amendments to *The Public Lands Act*, see *The Public Lands Amendment Act, 1947 (No. 2)*, which appears as chapter 85 of this volume.)

CHAPTER 85.

An Act to amend The Public Lands Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 52 of *The Public Lands Act*, as re-enacted by section 4 of *The Public Lands Amendment Act, 1946*, is amended by inserting after the word "purposes" in the third line the words "or under the Act entitled *An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866*, being chapter 6 of the Statutes of Ontario, 1901", so that the said subsection exclusive of the clauses shall now read as follows: Rev. Stat., c. 33, s. 52, subs. 2 (1946, c. 79, s. 4), amended.

(2) Where letters patent issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes or under the Act entitled *An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866*, being chapter 6 of the Statutes of Ontario, 1901, reserve pine trees to the Crown and where the land is not under timber license, the Minister, upon application of the owner and,— Release from reservation of pine trees.

. . . . . .

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Public Lands Amendment Act, 1947 (No. 2)*. Short title.

CHAPTER 86.

An Act to amend The Public Libraries Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Libraries Act* is amended by adding thereto the following clause: Rev. Stat., c. 283, s. 1, amended.

(*cc*) "Library co-operative" shall mean a co-operative library association established in accordance with the provisions of this Act in a county or territorial district. "Library co-operative".

2. Section 3 of *The Public Libraries Act* is amended by striking out the words "or school section" in the second line and inserting in lieu thereof the words "rural school section, union school section or township school area", so that the said section shall now read as follows: Rev. Stat., c. 283, s. 3, amended.

3. A public library may be established in a city, town, village, police village, township, rural school section, union school section or township school area under the conditions and in the manner hereinafter provided. Where library may be established.

3. Subsection 1 of section 8 of *The Public Libraries Act* is repealed. Rev. Stat., c. 283, s. 8, subs. 1, repealed.

4. *The Public Libraries Act* is amended by adding thereto the following headings and sections: Rev. Stat., c. 283, amended.

Township School Areas.

8*a*.—(1) The petition for the establishment of a public library in a township school area shall be in Form 3 with such alterations as may be necessary and shall be signed by a majority of the public and separate school supporters in the township school area, and upon the filing of the petition with an affidavit of the due execution thereof with the clerk of the township, Petition.

or, where the township school area extends beyond one township, with the clerk of the township having the greatest equalized assessment within the township school area, the clerk shall examine the petition.

Notice to Minister and school trustees.

(2) If the clerk finds that the petition contains the names of a majority of the public and separate school supporters in the township school area, he shall forthwith give notice in writing to the Minister, to the public school trustees of the township school area, and to the trustees of any separate school in the township school area, of the filing of the petition.

Appointment of board.

(3) Upon receipt of the notice, it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided.

. . . . . .

Appointments in Township School Areas.

In township school areas.

18*a*.—(1) Where there is no separate school in the township school area, the board shall be composed of five persons appointed by the public school trustees.

Idem.

(2) Where there is a separate school in the township school area, the board shall be composed of three persons appointed by the public school trustees, and two persons appointed by the separate school trustees.

Appointments annually.

(3) All appointments shall be made annually.

Rev. Stat., c. 283, amended.

5. *The Public Libraries Act* is amended by adding thereto the following Part:

PART IIA.

County and District Library Co-operatives.

Establishment.

In counties.

76*a*. The council of a county, upon receipt of a petition signed by the duly authorized officers of at least fifty per centum of the total number of library boards and boards of management established under this Act within the county, may after the approval of the petition by the Minister, pass a by-law establishing such boards as a county library co-operative, to be known as "The County Library Co-operative".

76*b*. The Minister, upon receipt of a petition signed by the duly authorized officers of at least five library boards and boards of management established under this Act in a territorial district, may establish such boards as a district library co-operative to be known as "The District Library Co-operative". In territorial districts.

76*c*. In addition to the library boards and boards of management originally constituting a co-operative, any other library boards, boards of management, school boards and such other organizations as the Minister may approve, within the county or territorial district, may become members of the co-operative by agreement with the board of the co-operative, and the agreement shall be filed with the Minister. Membership.

Boards.

76*d*.—(1) The management, regulation and control of a county or district library co-operative shall be vested in a board to be known as "The County (*or* District) Library Co-operative Board" (*inserting the name of the county or district*), and the board shall be responsible to the members of the co-operative. Control vested in board.

(2) The Board of a county library co-operative shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council. Composition of board,— in counties;

(3) The board of a district library co-operative shall be composed of seven members, of whom four shall be appointed by the members of the co-operative and three by the Minister. in territorial districts.

(4) Except in the case of a newly established library co-operative, all appointments to the board of a library co-operative shall be effective on the 1st day of January and shall be for a period of one year. Annual appointments.

76*e*. The purpose of a library co-operative shall be to purchase and distribute books for circulation by its member organizations. Purpose of library co-operative.

6. Clause *a* of section 77 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat., c. 283, s. 77, cl. *a*, re-enacted.

(*a*) for the apportionment and distribution of all money appropriated by the Legislature for library purposes.

Rev. Stat., c. 283, s. 79, amended.

7. Section 79 of *The Public Libraries Act* is amended by striking out the first four lines and clause *a* and inserting in lieu thereof the following:

Payments out of legislative grants,— what authorized.

79. Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for library purposes,—

(*a*) grants to boards for public libraries, branch public libraries and county or district library co-operatives;

. . . . . .

Organizations may be designated as co-operatives for 1947.

8. For the purpose of making grants during the year 1947 only, the Minister may designate as a county library co-operative any organization which in his opinion is performing the functions of a county library co-operative, and for such purpose an organization so designated shall thereupon be deemed to be a county library co-operative.

Commencement of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

10. This Act may be cited as *The Public Libraries Amendment Act, 1947.*

CHAPTER 87.

An Act to amend The Public Parks Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Parks Act* is amended by adding thereto the following subsection: Rev. Stat., c. 285, s. 3, amended.

(4) The council may by by-law appoint the board to manage, regulate and control any undertaking established under paragraph 30 of section 404 of *The Municipal Act* and thereupon the management, regulation and control thereof shall be vested in and exercised by the board, and the board shall have power to prescribe fees for admittance to or for the use of any such undertaking. Management of special undertakings. Rev. Stat., c. 266.

2.—(1) Clause *b* of subsection 1 of section 17 of *The Public Parks Act* is repealed and the following substituted therefor: Rev. Stat., c. 285, s. 17, subs. 1, cl. *b*, re-enacted.

(*b*) payment of interest and principal on debentures;

(*bb*) the expense of managing, regulating and controlling any undertaking established under paragraph 30 of section 404 of *The Municipal Act*. Rev. Stat., c. 266.

(2) The said section 17 is further amended by adding thereto the following subsection: Rev. Stat., c. 285, s. 17, amended.

(3*a*) When the board manages, regulates and controls any undertaking established under paragraph 30 of section 404 of *The Municipal Act*, the maximum rate mentioned in subsection 3 shall be two mills. When rate may be increased. Rev. Stat., c. 266.

(3) Subsection 5 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the fifth and sixth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows: Rev. Stat., c. 285, s. 17, subs. 5, amended.

Issuing of debentures for half cost of park when remainder contributed.

(5) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council shall, at the request of the board of park commissioners, issue debentures for the remaining one-half, but only when the annual sum required to meet the annual payments of interest and principal can be provided for without exceeding the limit of one mill in the dollar provided for in subsection 3.

Rev. Stat., c. 285, s. 17, subs. 6, amended.

(4) Subsection 6 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the third and fourth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows:

By-law, when not necessary to submit to electors.

(6) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill in the dollar, any provisions in *The Municipal Act*, or any special Act, relating to the municipality, to the contrary notwithstanding.

Rev. Stat., c. 266.

Rev. Stat., c. 285, s. 17, subs. 10, amended.

(5) Subsection 10 of the said section 17 is amended by striking out all the words after the word "annual" where it occurs the second time in the third line and inserting in lieu thereof the words "payments of interest and principal on the debentures", so that the said subsection shall now read as follows:

Annual rate for retirement of debentures.

(10) During the currency of the debentures, the council shall withhold and retain out of and as a first charge on the annual rate the amount required to meet the annual payments of interest and principal on the debentures.

Rev. Stat., c. 285, s. 17, subs. 12, amended.

(6) Subsection 12 of the said section 17 is amended by striking out all the words after the word "to" where it occurs the second time in the fifth line and inserting in lieu thereof the words "be retained under subsection 10", so that the said subsection shall now read as follows:

Money, application of.

(12) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board;

save as to the amount required to be retained under subsection 10.

Rev. Stat., c. 285, ss. 19, 20, repealed.

3. Sections 19 and 20 of *The Public Parks Act* are repealed.

Short title.

4. This Act may be cited as *The Public Parks Amendment Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 88.

An Act to amend The Public Schools Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7*b* of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 16 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 15, subs. 7*b* (1939, c. 44, s. 16, subs. 2), re-enacted.

(7*a*) The board of a township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, and other matters of an incidental or similar nature. Powers of township school area board.

(7*b*) The council or councils of the township or townships in which a township school area has been established, upon the application of the board of the township school area, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power of council to issue debentures.

2. *The Public Schools Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 357, amended.

In Township under Board of Education

54*a*. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power to issue debentures where board of education has jurisdiction.

Rev. Stat., c. 357, amended.

3. *The Public Schools Act* is amended by adding thereto the following section:

Public school on Crown lands.

62*a*.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

Powers of board.

(2) The board so appointed shall be a body corporate by the name indicated in the order establishing the rural school section, and shall have all the authority of a board of public school trustees for the purposes of this Act.

Rev. Stat., c. 357, s. 87, subs. 2, amended.

4.—(1) Subsection 2 of section 87 of *The Public Schools Act* is amended by striking out the words and figures "sections 111 and 112" in the eleventh line and inserting in lieu thereof the word and figures "section 112", so that the said subsection shall now read as follows:

Providing for admission of pupils from rural school section to urban or Indian schools.

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of section 112.

Rev. Stat., c. 357, s. 87, subs. 4, amended.

(2) Subsection 4 of the said section 87 is amended by striking out the words and figures "subsection 1 of section 111 and" in the fifth line, so that the said subsection shall now read as follows:

Expenses payable by township.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsections 1 and 2 of section 112, to be levied, collected and applied to teachers' salaries.

Rev. Stat., c. 357, s. 110, repealed.

5. Section 110 of *The Public Schools Act* is repealed.

6. Subsection 1 of section 115 of *The Public Schools Act* is amended by striking out the figures and word "111 to" in the second line and inserting in lieu thereof the figures and word "112 and", so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 115, subs. 1, amended.

(1) Subject to the provisions of sections 21 to 27, the provisions of sections 112 and 113 shall apply to consolidated schools, but the amount of the township grant provided for by section 112 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place. Consolidated schools.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947. Commencement of Act.

8. This Act may be cited as *The Public Schools Amendment Act, 1947*. Short title.

CHAPTER 89.

The Public Service Act, 1947.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1.—(1) In this Act,— Interpretation,—

(*a*) "Board" shall mean Public Service Superannuation Board; "Board";

(*b*) "child" shall include adopted child and step-child; "child";

(*c*) "civil servant" shall mean a person appointed to the service of the Crown by the Lieutenant-Governor in Council or by a minister but shall not include the persons or classes of persons designated by the regulations made under Part I, and "civil service" shall have a corresponding meaning; "civil servant"; civil service";

(*d*) "Commission" shall mean Civil Service Commission; "Commission";

(*e*) "Crown" shall mean Crown in right of Ontario; "Crown";

(*f*) "employee" shall mean a person who is appointed a civil servant by the Lieutenant-Governor in Council but shall not include a person who is entitled to benefit from any other superannuation fund to which the Crown contributes, and "employed" shall have a corresponding meaning; "employee"; "employed";

(*g*) "Fund" shall mean Public Service Superannuation Fund; and "Fund";

(*h*) "Treasurer" shall mean Treasurer of Ontario. R.S.O. 1937, c. 15, ss. 1, 23, *amended*. "Treasurer".

(2) For the purposes of Part II, where any computation involves part of a year, such computation shall be made on a monthly basis and,— Computation of part of year.

(*a*) any part of a month less than fifteen days shall be disregarded; and

(*b*) any part of a month not less than fifteen days shall be deemed to be a month. *New.*

PART I.

THE PUBLIC SERVICE.

The Commission.

Civil Service Commission.

2.—(1) There shall be a commission to be known as the Civil Service Commission consisting of not more than three persons appointed by the Lieutenant-Governor in Council, one of whom may be appointed chairman. R.S.O. 1937, c. 15, s. 17 (1), *amended.*

Duties of Commission.

(2) The Commission shall,—

(*a*) examine and pass upon the qualifications of nominees for the civil service;

(*b*) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;

(*c*) determine the value of perquisites granted to civil servants;

(*d*) study the organization and administration of the staffs of the departments and make such recommendations to the Lieutenant-Governor in Council as it deems proper with respect to,

(i) the organization and administration methods in any department,

(ii) the co-ordination of the work of the departments, and

(iii) generally, the improvement of the civil service;

(*e*) investigate and report to the Lieutenant-Governor in Council upon any matter relating to the civil service or a civil servant referred to it by the Lieutenant-Governor in Council; and

(*f*) present annually to the Lieutenant-Governor in Council a report upon the performance of its duties

during the preceding fiscal year, which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, ss. 18, 21, *part*, *amended*.

Appointments and Tenure.

Appointments.

3.—(1) The Lieutenant-Governor in Council may appoint such persons to the civil service as he may deem requisite or as may be required under any Act. R.S.O. 1937, c. 15, s. 5, *amended*.

Temporary appointments.

(2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year from the date thereof and shall not be renewable. R.S.O. 1937, c. 15, s. 8, *amended*.

Certification by Commission.

(3) No person shall be appointed as a civil servant until the Commission has certified to the Lieutenant-Governor in Council or the minister, as the case may be, that such person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. *New*.

Oaths of allegiance, office and secrecy.

4.—(1) Every civil servant appointed before this Act comes into force shall within six months thereafter, and every civil servant appointed after this Act comes into force shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant-Governor in Council, the oath of allegiance in the following form:

"I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the reigning sovereign for the time being*), his heirs and successors according to law. So help me God."

and the oath of office and secrecy in the following form:

"I, , do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God."

Record of oaths.

(2) The Clerk of the Executive Council and the persons designated by the Lieutenant-Governor in Council to administer oaths shall keep records of the oaths that they administer. R.S.O. 1937, c. 15, s. 15, *amended*.

Age of retirement

5. Except as otherwise provided in section 6, subsection 2 of section 18 and section 33, every civil servant shall be retired upon attaining the age of sixty-five years. *New.*

Special fitness.

6.—(1) Where a civil servant or former civil servant,—

(*a*) has attained the age of sixty-five years; and

(*b*) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant-Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. R.S.O. 1937, c. 15, s. 57 (1), *amended.*

Present civil servants over seventy.

(2) Every civil servant who is more than seventy years of age when this Act comes into force may be re-appointed by the Lieutenant-Governor in Council, but any such re-appointment shall not be for a longer period than six months at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. *New.*

General.

Deputy minister,— powers and duties of;

7.—(1) A deputy minister shall have the general control of his department and shall have such other powers and perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 9 (3), *part.*

power to suspend;

(2) In the absence of his minister a deputy minister may suspend from employment any civil servant in his department who refuses or neglects to obey his directions. R.S.O. 1937, c. 15, s. 9 (3), *part*, *amended.*

vacancy in office.

(3) Where a deputy minister is absent or there is a vacancy in the office, the powers and duties of the deputy minister shall be exercised and performed by such civil servant as may be designated by the minister of the department. R.S.O. 1937, c. 15, s. 9 (2), *amended.*

Debts of civil servants.

8. When a creditor of a civil servant files with the Treasurer,—

(*a*) a notice that a debt or money demand of not less than $25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and

(*b*) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer may see fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1937, c. 15, s. 14, *part*, *amended*.

Regulations.

9. The Lieutenant-Governor in Council or the Commission, subject to the approval of the Lieutenant-Governor in Council, may make regulations,—

(*a*) prescribing the procedure to be followed in the appointment of civil servants;

(*b*) designating the appointees or classes of appointees who shall not be civil servants;

(*c*) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;

(*d*) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;

(*e*) providing for the time and manner of payment of the salaries of civil servants;

(*f*) prescribing the hours of service for civil servants;

(*g*) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his personal representative, of an amount equal to the value or a portion of the value of his credit;

(*h*) providing for the granting of leave of absence to civil servants;

(*i*) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise;

(*j*) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof; and

(*k*) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 6, *amended*.

Cost of administration.

10. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 15, s. 17 (3), *amended.*

PART II.

SUPERANNUATION.

The Board.

Board,—appointment of.

11.—(1) The Board known as the Public Service Superannuation Board is continued and shall consist of three members appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of and employed in the civil service.

Administration of Part II.

(2) The Board shall be responsible for the administration of this Part to the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 44, *amended.*

The Fund.

Fund continued.

12.—(1) The Fund known as the Public Service Superannuation Fund is continued and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account is continued.

Treasurer to be custodian.

(2) The Treasurer shall continue to be the custodian of the Fund. R.S.O. 1937, c. 15, s. 24 (1, 2), *amended.*

Make-up of Fund.

(3) The Fund shall consist of the amounts contributed by employees, and the amounts credited to the Fund out of the Consolidated Revenue Fund or otherwise under this Act. R.S.O. 1937, c. 15, s. 25, *amended.*

Investment of Fund.

(4) The Fund, less such amounts as may be necessary to meet current expenditures, shall, upon resolution of the Board, be invested by the Treasurer in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario.

Records.

(5) Records shall be kept by the Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

(6) The Fund shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, c. 24 (3-5), *amended.*

13.—(1) Every employee employed before this Act comes into force shall contribute to the Fund an amount equal to four per centum of his salary. R.S.O. 1937, c. 15, s. 32 (1), *amended.* Employees' contributions.

(2) Every employee employed on or after the day upon which this Act comes into force whose salary is less than $1,500 shall contribute to the Fund an amount equal to five per centum of his salary. Idem.

(3) Every employee employed on or after the day upon which this Act comes into force whose salary is $1,500 or more shall contribute to the Fund an amount equal to six per centum of his salary. *New.* Idem.

(4) The contributions shall be deducted from the salary of the employee. R.S.O. 1937, c. 15, s. 32 (1), *amended.* Contributions to be deducted from salary.

(5) Every person who,— Temporary employee permanently employed.

(*a*) was employed temporarily and continuously up to the time of his appointment as an employee;

(*b*) gives notice in writing to the Board within six months after this Act comes into force or within three months after his appointment as an employee, whichever is the later date, of his intention to pay the amount prescribed in clause *c* and to contribute to the Fund; and

(*c*) pays, or agrees to pay by way of salary deductions, an amount equal to the amount that would have been payable by him had he been appointed as an employee at the date of his appointment as a temporary employee together with interest at three per centum per annum upon the amount so payable,

shall be deemed to be an employee and shall be entitled to credit for the period of service represented by the payments made, in reckoning the amount of any allowance payable to him. 1946, c. 83, s. 2, *amended.*

(6) Subsection 5 shall not apply to persons who, after this Act comes into force, are appointed otherwise than as provided in section 3. Casual help.

(7) For the purposes of this section the Board shall have power to determine the date of the commencement of the employment of any person. *New.* Date of employment.

14.—(1) An employee who is granted leave of absence without salary shall within six months of the termination of Leave of absence,—contributions.

 the

the leave contribute to the Fund an amount equivalent to the deductions from his salary that would have been made if he had not been granted the leave, and where the leave,—

(*a*) exceeds one month; and

(*b*) is granted for a reason other than the illness of the employee,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 15.

Leave for educational purposes.

(2) Where an employee is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he shall not be entitled to credit for the period of the leave. *New.*

Employer's contributions,—

15.—(1) When a contribution of an employee is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 33, *amended.*

designated branches,—

(2) Where employees are engaged in a branch of the civil service having a special fund and the branch and fund are designated for the purpose of this subsection by the Lieutenant-Governor in Council, amounts equivalent to the contributions to the Fund of such employees shall be credited or paid to the Fund out of the designated fund in lieu of the credits to the Fund provided for in subsection 1.

boards and commissions.

(3) Where the Lieutenant-Governor in Council designates a board or commission under section 35, amounts equivalent to the contributions to the Fund of employees who are members of the permanent staff of the board or commission shall be credited to the Fund out of such moneys as may be appropriated therefor by or for the board or commission in lieu of the credits to the Fund provided for in subsection 1. *New.*

Interest.

16. There shall be credited to the Fund out of the Consolidated Revenue Fund interest at the rate of five per centum per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the uninvested balance in the Fund at the commencement of the fiscal year. R.S.O. 1937, c. 15, s. 34, *amended.*

Deficiency.

17. When the amount at the credit of the Fund is insufficient to meet the payments required under this Part, the

deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 35, *amended.*

Types of Allowances.

Superannuation allowance,— payable at sixty-five.

18.—(1) Every employee who,—

(*a*) attains the age of sixty-five years; and

(*b*) contributes to the Fund in respect of a period of fifteen years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, *part, amended.*

Present employees,— fifty-five or more.

(2) Notwithstanding subsection 1, every employee who was more than fifty-five years of age on the day upon which this Act comes into force and who,—

(*a*) attains the age of seventy years; and

(*b*) contributes to the Fund in respect of a period of fifteen years or more or in respect of a period of ten years or more in the case of an employee whose employment began before the 25th day of June, 1937,

shall be entitled to a superannuation allowance upon his retirement. *New.*

Superannuation allowance,— payable at sixty.

19. Every employee who,—

(*a*) attains the age of sixty years; and

(*b*) contributes to the Fund in respect of a period of twenty-five years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, *part, amended.*

Disability allowance.

20.—(1) Every employee who,—

(*a*) contributes to the Fund in respect of a period of ten years or more;

(*b*) is found by the Board by reason of mental or physical incapacity to be unable to perform his duties; and

(*c*) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

Review.

(2) The Board may review the case of any person receiving a disability allowance and if, in the opinion of the Board, the

person has recovered sufficiently to perform his former or other duties the Board shall report the case to the Lieutenant-Governor in Council who may direct that he be offered re-employment.

Re-employment.

(3) When a person is offered re-employment under this section and does or does not accept the offer, his disability allowance shall cease. R.S.O. 1937, c. 15, s. 26, *part, amended.*

Where offer not accepted.

(4) Where a person does not accept the offer of re-employment under this section and the amount of the allowance paid to him is less than the amount of his contributions with interest at three per centum per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he may direct. *New.*

Computation of superannuation and disability allowances,—

21.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by fifty and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 37, *part, amended.*

maximum and minimum superannuation allowances;

(2) In no case shall the amount of an annual superannuation allowance be,—

(*a*) more than $3,000; or

(*b*) less than $600, except where $600 is greater than seventy per centum of the employee's average salary during the last three years of his service. R.S.O. 1937, c. 15, s. 37, *part, amended.*

maximum and minimum disability allowances.

(3) In no case shall the amount of an annual disability allowance be,—

(*a*) more than $3,000; or

(*b*) less than $600 except that where the employee receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than $600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than $600 from both sources. R.S.O. 1937, c. 15, s. 37, *part, amended.*

Compensation allowance on dismissal,—

22.—(1) An employee who is dismissed and who,—

(*a*) attains the age of forty-five years and contributes to the Fund in respect of twenty-five years or more;

(*b*) attains the age of fifty years and contributes to the Fund in respect of twenty years or more; or

(*c*) attains the age of fifty-five years and contributes to the Fund in respect of fifteen years or more,

may be granted a compensation allowance by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 26 (2), *part, amended.*

computation of,— (2) The amount of every annual compensation allowance shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by seventy and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 26 (2), *part, amended.*

maximum. (3) In no case shall the amount of an annual compensation allowance be more than $2,000. R.S.O. 1937, c. 15, s. 26 (2), *part, amended.*

Increase in rate. (4) When a person receiving a compensation allowance attains the earliest age at which he would have been eligible for a superannuation allowance under section 18 or 19 had he continued to be employed, the allowance shall be computed in the manner prescribed in section 21, but the period during which he was in receipt of a compensation allowance shall not be included in such computation. R.S.O. 1937, c. 15, s. 26 (4), *amended.*

Allowances to widows and children. (5) The allowances to widows and children of persons who were in receipt of compensation allowances under subsection 2 shall be at the rate to which they would have been entitled had the employee died in the service. R.S.O. 1937, c. 15, s. 26 (5).

Limitations of subss. 4, 5. (6) Subsections 4 and 5 shall not apply in the case of a person who is granted a compensation allowance after this Act comes into force. *New.*

Re-employment of superannuate. **23.**—(1) Where a person who has reached retiring age and who has been granted a superannuation allowance is re-employed,—

(*a*) payment of the allowance shall be suspended during the period of his re-employment;

(*b*) he shall not make any contributions to the Fund during the period of his re-employment; and

(*c*) upon his final retirement payment of the allowance shall be resumed. R.S.O. 1937, c. 15, s. 26 (3), *amended*.

Re-employment generally.

(2) Where an employee who has been granted an allowance before attaining the age of sixty-five years is re-employed, payment of his allowance shall be suspended during the period of his re-employment but the period of re-employment shall be added to the period of his prior employment in determining the allowance to which he is entitled upon his retirement. *New*.

Refunds.

24.—(1) Where an employee who has contributed to the Fund in respect of a period of less than three years resigns or is dismissed, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he may direct.

Idem.

(2) Where an employee who has contributed to the Fund in respect of a period of three years or more resigns or is dismissed and is not entitled to any allowance, an amount equal to the total of his contributions with interest at three per centum per annum shall be paid to him in monthly instalments or otherwise as he may direct. R.S.O. 1937, c. 15, s. 30, *part*, *amended*.

Retirement or death before superannuation.

25. Where an employee,—

(*a*) having attained retiring age is retired; or

(*b*) dies,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his personal representative, as the case may be. *New*.

Death of superannuate.

26. Except as provided in section 27, where a retired employee who is in receipt of any allowance dies, an amount equal to the amount of his contributions, with interest at three per centum per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1937, c. 15, s. 39, *part*, *amended*.

27.—(1) Where an employee who has contributed to the Fund in respect of a period of ten years or more, or a former employee who is in receipt of any allowance dies,— Where widow or children left.

(*a*) leaving a widow, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or

(ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to his widow for her life or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(*b*) leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or

(ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the employee with interest at three per centum per annum, the amount of the difference shall be paid to his personal representative. Where payments less than contributions.

(3) Subsection 1 shall not apply to the widow of an employee if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of such widow. Exceptions.

(4) Where the employee or former employee is a widow, subsection 1 shall apply *mutatis mutandis* to her child or children. R.S.O. 1937, c. 15, s. 39, *part*, *amended*. Where employee is a widow.

Payment of Allowances.

Payments out.

28.—(1) No payment shall be made out of the Fund until the Board has determined that the payment is in accordance with this Part. R.S.O. 1937, c. 15, s. 45, *amended.*

Idem.

(2) Every payment out of the Fund shall be made by cheque of the Treasurer issued upon the requisition in writing of the chairman or secretary of the Board and every such requisition shall be sufficient authority for all purposes for the issue of the cheque so requisitioned. R.S.O. 1937, c. 15, s. 49 (2), *amended.*

Payment of allowances.

29. Allowances shall be paid in monthly instalments. R.S.O. 1937, c. 15, s. 41, *amended.*

No attachment, etc.

30. The interest of any employee in the Fund and any allowance payable out of the Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. R.S.O. 1937, c. 15, s. 42, *amended.*

When employee indebted to Crown.

31. When a person ceases to be an employee and is indebted to the Crown, the amount owing shall be deducted from any payments to which he may be entitled under this Part. R.S.O. 1937, c. 15, s. 30 (2), *amended.*

Extended Application.

Sheriffs, persons engaged in administration of justice;

32.—(1) This Part shall apply to,—

(*a*) every sheriff; and

(*b*) every person or class of persons connected with the administration of justice that may be designated by the Lieutenant-Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

computation of contributions.

(2) Where a sheriff or person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and the allowances shall be computed accordingly. R.S.O. 1937, c. 15, ss. 53, 54, *part*, *amended.*

Rev. Stat., c. 18.

Magistrates.

33.—(1) This Part shall apply to every full-time magistrate except that *The Magistrates Act* shall govern the age of retirement of magistrates. 1941, c. 46, s. 4.

Rev. Stat., c. 133.

(2) Every magistrate who receives a stated annual salary from the municipality to which he is assigned and who was appointed on or before the 1st day of January, 1941, and who,— Certain magistrates' option.

(*a*) gives notice in writing to the Board within sixty days after this Act comes into force of his intention to pay an amount equal to the amount that would have been payable by him had he contributed to the Fund from the date of his appointment; and

(*b*) pays or agrees to pay by way of salary deductions the amount mentioned in clause *a* together with interest thereon at three per centum per annum,

shall be deemed to be an employee in respect of the period of service represented by the payments so made and shall be entitled to credit for such period in reckoning the amount of any allowance payable to him. *New.*

34.—(1) Where a teacher or inspector who is a contributor to the teachers' and inspectors' superannuation fund under *The Teachers' and Inspectors' Superannuation Act, 1946*,— Teacher or inspector becoming employee. 1946, c. 96.

(*a*) becomes an employee; and

(*b*) within sixty days from the date of his appointment makes a written request to The Teachers' and Inspectors' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund, with interest at the rate of four and three-quarters per centum per annum, shall be transferred to the Fund from the teachers' and inspectors' superannuation fund and where he does not make such request this Part shall not apply to him. R.S.O. 1937, c. 15, s. 52 (2), *amended.*

(2) Where a teacher or inspector is an employee when this Act comes into force or where a teacher or inspector becomes an employee after this Act comes into force and makes a written request under subsection 1, he shall be entitled to credit in the Fund in respect of the number of years of service that is equal to the number obtained by dividing one-half of the amount transferred to the Fund from the teachers' and inspectors' superannuation fund by a number,— Credits.

(*a*) that is equal to four per centum of the amount of his annual salary upon his appointment as an employee where he became an employee before this Act came into force; or

(*b*) that is equal to six per centum of the amount of his annual salary upon his appointment as an employee where he becomes an employee after this Act comes into force. R.S.O. 1937, c. 15, s. 52 (3), *amended.*

Employee becoming teacher or inspector. 1946, c. 96.

(3) Where an employee becomes employed as a teacher or inspector within the meaning of *The Teachers' and Inspectors' Superannuation Act, 1946*, his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum shall be transferred to the teachers' and inspectors' superannuation fund. 1943, c. 28, s. 33, *amended.*

Application of Part.

35. This Part shall apply to the permanent staff of any board or commission established under any Act of this Legislature that may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 55, *amended.*

Arrangements for payment,—

36. Subject to the approval of the Lieutenant-Governor in Council, the Board may make such agreements as may be deemed advisable for the purpose of providing,—

out of Fund into another superannuation fund;

(*a*) that where an employee is appointed to the civil service of the Government of Canada, or the staff of any board, commission or public institution established under any Act of this Legislature, an amount equal to his contributions and credits under this Act, or any portion thereof, with interest thereon at such rate as may be agreed upon, shall be paid out of the Fund into any corresponding fund that is maintained to provide superannuation benefits for members of such civil service or staff, as the case may be; and

into Fund out of another superannuation fund.

(*b*) that where a person employed in the civil service of the Government of Canada or on the staff of any board, commission or public institution established under any Act of this Legislature is appointed an employee, an amount shall be paid into the Fund in respect of the period during which such person was employed in the civil service of the Government of Canada, or on the staff of such board, commission or public institution, as the case may be, and allowing him credit under this Part in respect of such amount and the period of employment represented thereby. 1941, c. 46, s. 2, *part, amended.*

General.

Annual statement to Assembly.

37. The Board shall present annually to the Lieutenant-Governor in Council a report with respect to the preceding fiscal year showing,—

(*a*) the names of the employees that have died or retired;

(*b*) the position held by each of them;

(*c*) the amount of salary payable to each of them at the time of death or retirement;

(*d*) the age of each of them at death or retirement;

(*e*) the cause of retirement;

(*f*) the amount of the superannuation or other allowance payable in each case; and

(*g*) all other payments authorized under this Part and particulars thereof,

which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, s. 50, *part*, *amended*.

Regulations by Board.

38. The Lieutenant-Governor in Council or the Board, subject to the approval of the Lieutenant-Governor in Council, may make regulations,—

(*a*) prescribing the proofs to be furnished as a condition to the payment of an allowance;

(*b*) prescribing the times at which and the manner in which contributions to the Fund shall be made by any class of employees with respect to which special circumstances exist;

(*c*) determining the maximum number of years of contribution to the Fund, the maximum amount of contribution to the Fund or the maximum salary on which contributions shall be reckoned; and

(*d*) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 46, *part*, *amended*.

Cost of administration.

39. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 15, s. 36, *amended*.

Existing allowances.

40. The passing of this Act shall not operate to,—

(*a*) increase or decrease the amount of any allowance that is being paid when this Act comes into force; or

(*b*) affect any right to an allowance created under any predecessor of this Act and where there is any such right, the provisions of this Act shall apply *mutatis mutandis* thereto. *New.*

Payments re members of forces.

41. All payments into the Fund made in respect of an employee for any period during which he was a member of His Majesty's forces are confirmed. *New.*

REPEAL.

Rev. Stat., c. 15; 1938, c. 37, s. 21; 1941, c. 46; 1943, c. 28, s. 33; 1946, c. 83, repealed.

42. *The Public Service Act*, section 21 of *The Statute Law Amendment Act, 1938*, *The Public Service Amendment Act, 1941*, section 33 of *The Statute Law Amendment Act, 1943*, and *The Public Service Amendment Act, 1946*, are repealed.

COMMENCEMENT OF ACT.

Commencement of Act.

43. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

SHORT TITLE.

Short title.

44. This Act may be cited as *The Public Service Act, 1947*.

CHAPTER 90.

An Act to amend The Public Utilities Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 286, s. 2, amended.

(4) The council of the corporation may define an area in the municipality and may assess and levy on the rateable property in the area the cost of the waterworks including debenture charges, the cost of maintenance and management and the cost of the water, or any part thereof. Areas.

2. Section 37 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 286, s. 37, amended.

(1*a*) When the commission functions in a defined area or areas, the members to be elected shall be elected by the electors of the area or areas, as the case may be. Areas.

3. This Act may be cited as *The Public Utilities Amendment Act, 1947.* Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

(NOTE: For further amendments to *The Public Utilities Act*, see *The Public Utilities Amendment Act, 1947* (*No. 2*), which appears as chapter 91 of this volume.)

CHAPTER 91.

An Act to amend The Public Utilities Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Utilities Act* is amended by adding thereto the following section: Rev. Stat., c. 286, amended.

17*a*.—(1) Notwithstanding anything in this Act or in any general or special Act or in any contract heretofore or hereafter entered into, the corporation of any municipality or any municipal commission established under this or any other Act which supplies to any person electrical power or energy supplied to it by The Hydro-Electric Power Commission of Ontario may allocate and distribute its available power amongst its customers and interrupt or decrease the delivery of electrical power or energy under any contract at all times when its own supply of electrical power or energy has been interrupted or decreased by The Hydro-Electric Power Commission of Ontario pursuant to section 58*a* of *The Power Commission Act*. Allocation and distribution of available power. Rev. Stat., c. 62.

(2) Nothing done under subsection 1 shall be deemed a breach of contract or entitle any person to rescind any contract or release any guarantor from performance of his obligations. No breach of contract.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Public Utilities Amendment Act, 1947 (No. 2)*. Short title.

CHAPTER 92.

An Act to amend The Race Tracks Tax Act, 1939.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 8 of *The Race Tracks Tax Act, 1939*, is amended by striking out the word "and" at the end thereof. 1939, c. 39, s. 8, cl. *c*, amended.

(2) The said section 8 is further amended by adding thereto the following clause: 1939, c. 39, s. 8, amended.

(*cc*) authorizing the payment of remuneration to persons charged with the collection of the tax and prescribing the amount thereof; and

. . . . . .

2.—(1) All taxes heretofore collected are ratified and confirmed. Confirmation.

(2) All remuneration heretofore paid to persons charged with the collection of the tax is ratified and confirmed. Idem.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Race Tracks Tax Amendment Act, 1947*. Short title.

CHAPTER 93.

An Act to amend The Real Estate and Business Brokers Act, 1946.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Real Estate and Business Brokers Act, 1946*, is amended by adding thereto the following subsections: 1946, c. 85, s. 9, amended.

(2) The bond shall be,— Type of bond.

(*a*) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*; Rev. Stat., c. 263.

(*b*) a personal bond accompanied by collateral security; or

(*c*) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. Collateral security.

2. Subsection 2 of section 17 of *The Real Estate and Business Brokers Act, 1946*, is repealed and the following substituted therefor: 1946, c. 85, s. 17, subs. 2, re-enacted.

(2) A bond may be cancelled by any person bound thereunder by giving to the Registrar at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar. Cancellation of bond.

Term of bond.

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first.

1946, c. 85, amended.

3. *The Real Estate and Business Brokers Act, 1946*, is amended by adding thereto the following section:

Sale of collateral security.

17*a*. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 17, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price.

1946, c. 85, s. 19, re-enacted.

4. Section 19 of *The Real Estate and Business Brokers Act, 1946*, is repealed and the following substituted therefor:

Assignment of bond or payment of moneys to creditors.

19. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

(*a*) to assign any bond forfeited under section 17 and transfer the collateral security, if any;

(*b*) to pay over any moneys recovered under such bond; or

(*c*) to pay over any moneys realized from the sale of the collateral security under section 17*a*,

to any person, or to the Accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded or who deposited the securities, as the case may be, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

1946, c. 85, s. 20, amended.

5. Section 20 of *The Real Estate and Business Brokers Act, 1946*, is amended by inserting after the word "such" in the sixth line the words "whichever occurs first", so that the said section shall now read as follows:

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, whichever occurs first, received

notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.

6. Clause *a* of section 37 of *The Real Estate and Business Brokers Act, 1946*, is amended by adding at the end thereof the word "or", so that the said clause shall now read as follows: 1946, c. 85, s. 37, cl. *a*, amended.

(*a*) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized; or

. . . . . .

7. Section 39 of *The Real Estate and Business Brokers Act, 1946*, is amended by adding at the end thereof the words "provided, however, that a surviving or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof", so that the said section shall now read as follows: 1946, c. 85, s. 39, amended.

39. A broker carrying on business alone and not through an incorporated company shall carry on business in his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company, provided, however, that a surviving or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof. Carrying on business as individual. Proviso.

8. Section 48 of *The Real Estate and Business Brokers Act, 1946*, is repealed and the following substituted therefor: 1946, c. 85, s. 48, re-enacted.

48.—(1) Where a trade in a business is negotiated by a broker or his salesman, the broker shall before a binding agreement of purchase and sale is concluded, deliver to the person acquiring the business,— Statements to be delivered in purchase of business.

(*a*) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and

(*b*) a statement of the assets and liabilities of the business; and

(*c*) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

What to be deemed included in transaction.

(2) Unless the statement mentioned in clause *c* of subsection 1 is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights and other assets relating to or connected with the business shall be deemed to be included in the transaction.

1946, c. 85, s. 56, amended.

9. Section 56 of *The Real Estate and Business Brokers Act, 1946*, is amended by adding thereto the following clause:

(*bb*) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond.

Commencement of Act.

10. This Act shall come into force on the 1st day of June, 1947.

Short title.

11. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1947*.

(NOTE: For further amendments to *The Real Estate and Business Brokers Act, 1946*, see *The Real Estate and Business Brokers Amendment Act, 1947* (*No. 2*), which appears as chapter 94 of this volume.)

CHAPTER 94.

An Act to amend The Real Estate and Business Brokers Act, 1946.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Real Estate and Business Brokers Act, 1946*, is amended by striking out the word "or" in the third line of clause *e* and by adding thereto the following clauses: 1946, c. 85, s. 16, amended.

(*dd*) a full-time employee of a party to a trade where the employee is acting for or on behalf of his employer;

. . . . . .

(*ee*) any person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

. . . . . .

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1947 (No. 2)*. Short title.

CHAPTER 95.

An Act to amend The Registry Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 33 of *The Registry Act* is amended by inserting after the word "grant" in the first line the words "or lease", so that the said subsection, exclusive of the clauses, shall now read as follows: Rev. Stat., c. 170, s. 33, subs. 1, amended.

(1) An instrument other than a will, grant or lease from the Crown, Order-in-Council, by-law or other instrument under the seal of any corporation, certificate of judicial proceedings or an instrument which may be registered by deposit of a certified copy shall not be registered unless accompanied by an affidavit (Form 5) of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed the same, setting forth the name, place of residence, addition, occupation or calling of the witness, and deposing to,— Proof for registration.

. . . . . .

2. Subsection 4 of section 47 of *The Registry Act* is amended by striking out the words "twenty-five cents" in the third line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows: Rev. Stat., c. 170, s. 47, subs. 4, amended.

(4) Where the mortgage embraces two or more parcels of land situate in different municipalities in the same registry division there shall be paid a further fee of one dollar for each municipality after the first. Fee on registration of mortgage not registered in full.

3.—(1) Clause *a* of section 95 of *The Registry Act* is amended by striking out the figures "40" in the fifth line and inserting in lieu thereof the figures "50", so that the said clause shall now read as follows: Rev. Stat., c. 170, s. 95 cl. *a*, amended.

(*a*) For the necessary entries and certificates in registering every instrument, other than those hereinafter specially For registrations generally.

specially provided for, including among such certificates the certificate on the duplicate, if any, 50 cents.

Rev. Stat., c. 170, s. 95, cl. *b*, amended.

(2) Clause *b* of the said section 95 is amended by striking out the symbol and figures "$2.10" in the first line and inserting in lieu thereof the symbol and figures "$2.50", and by striking out all the words after the figure "4" in the twenty-sixth line, so that the said clause shall now read as follows:

Fees for registering and copying.

(*b*) For registering every such instrument, $2.50;

If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;

If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows,

Where the aggregate copying does not exceed 700 words, $2; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of $2;

Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

Rev. Stat., c. 170, s. 95, cl. *f*, re-enacted.

(3) Clause *f* of the said section 95 is repealed and the following substituted therefor:

Abstracts of title.

(*f*) For an abstract of title to any specific parcel of land and containing such particulars as to any number of registered instruments affecting such parcel as the applicant may require,

(i) 50 cents for a search of one lot,

(ii) for each instrument up to 50 which requires inspection, 10 cents,

(iii) for each instrument in excess of 50 which requires inspection, 5 cents,

(iv) when the abstract exceeds 100 words, 20 cents for each additional 100 words or part thereof, and

(v) for copies of instruments when required, 15 cents for each 100 words or part thereof;

The minimum fee for an abstract of title, including the fee for search and certificate, shall be $2.00;

Where there are two or more lots for which abstracts are required and the entries on such lots are identical, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title of such lots shall be included in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of 50 cents for a search on each lot after the first lot and for the first lot he shall be entitled to the same fees as are payable in respect of one lot;

Where there are two or more lots for which abstracts are required and the entries on such lots are partly identical, the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting those lots separately.

4. Section 104 of *The Registry Act* is amended by striking out the figure "5" in the twelfth line and inserting in lieu thereof the figures "10", so that the said section shall now read as follows: Rev. Stat., c. 170, s. 104, amended.

104. The registrar shall, upon request of the council of a municipality, furnish to the clerk, or to the assessment commissioner, or assessor of the municipality, a list of all conveyances whereby land has been transferred, which have been registered in his office during the next preceding year or any part thereof, and in such list shall include the names of the grantor, the grantee or mortgagee, and place of residence of each, the consideration shown in each instrument and a short but definite description of Registrar to furnish clerk or assessment commissioner with list of conveyances upon request.

the land conveyed or mortgaged, but shall not include leases for less than twenty-one years, and the registrar shall be entitled therefor to a fee of 10 cents for every instrument included in the list.

Rev. Stat., c. 170, Form 13, re-enacted.

5. Form 13 to *The Registry Act* is repealed and the following substituted therefor:

FORM 13.

(*Section 83 (8)*).

THE REGISTRY ACT

CERTIFICATE OF AN ONTARIO LAND SURVEYOR.

I, (*name in full*), an Ontario Land Surveyor, certify that,—

(*a*) I was present at and did personally superintend the survey represented by this plan;

(*b*) this plan accurately shows the manner in which the lands (edged in red) have been surveyed and subdivided by me;

(*c*) every angle of the exterior boundary of the plan is defined in the survey thereof by a monument and a monument is placed at one angle of each street intersection shown on the plan;

(*d*) I have indicated on the plan the position and form of each of the monuments;

(*e*) the monuments conform in all respects to requirements of section 13 of *The Surveys Act;*

(*f*) the survey was made by me between the day of and the day of ; and

(*g*) the survey has been accurately made in accordance with all the provisions of *The Surveys Act* and *The Registry Act* relating thereto.

Dated at the day of , 19 .

A.B.,
Ontario Land Surveyor.

Short title.

6. This Act may be cited as *The Registry Amendment Act, 1947*.

(NOTE: For further amendments to *The Registry Act*, see section 17 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 96.

The Royal Ontario Museum Act, 1947.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "Board of Governors" shall mean The Governors of the University of Toronto appointed under *The University of Toronto Act, 1947;* and "Board of Governors"; 1947, c. 112.

(*b*) "Museum Board" shall mean the Museum Board established under this Act. "Museum Board".

2. The purposes of The Royal Ontario Museum are: Purposes of Museum.

(*a*) the collection and exhibition of objects of any kind to illustrate and make known to the public the natural history of Ontario;

(*b*) the collection and exhibition of objects of any kind to illustrate and to make known to the public the natural history of the world and the history of man in all the ages;

(*c*) the collection and exhibition of objects, documents and books of any kind to illustrate and to make known to the public the natural history and history of Ontario and Canada;

(*d*) the promotion of teaching, research and publication in the natural history of the world and the history of Ontario and Canada; and

(*e*) the co-operation with manufacturers or industry in Ontario for the purpose of improving or expanding industrial design.

3.—(1) There shall be a board of directors of The Royal Museum Board.

Ontario Museum to be known as the Museum Board which shall be composed of twelve members.

Ex officio members. (2) The Chancellor of the University of Toronto, the President of the University of Toronto and the Chairman of the Board of Governors shall be *ex officio* members of the Museum Board.

Appointed members. (3) Four members of the Museum Board shall be appointed by the Board of Governors and shall be members of the Board of Governors.

Idem. (4) Five members of the Museum Board shall be appointed by the Board of Governors but shall not be members of the Board of Governors, but,—

(*a*) one of such five members shall be appointed on the nomination of the Principal of Queen's University; and

(*b*) one of such five members shall be appointed on the nomination of the President of the University of Western Ontario.

Tenure of office. (5) The members of the Museum Board other than the *ex officio* members shall hold office during the pleasure of the Board of Governors.

Minimum membership. (6) Notwithstanding any vacancy in the Museum Board, as long as there are at least nine members it shall be competent for the Museum Board to exercise its powers.

Quorum. (7) Five members of the Museum Board shall constitute a quorum.

Chairman. **4**. The Chairman of the Museum Board shall be appointed by the Board of Governors from among the members of the Museum Board who are members of the Board of Governors.

Management of Museum. **5**. The Royal Ontario Museum shall be carried on and managed by the Museum Board.

By-laws, rules and regulations. **6**. Subject to the approval of the Board of Governors, the Museum Board may make such by-laws, rules and regulations as it may deem necessary.

Right to name. **7**. The name "The Royal Ontario Museum", and the sole right to the use thereof, are hereby vested in the Board of Governors.

Old corporation wound up.

8. On and after the coming into force of this Act, The Royal Ontario Museum as a body corporate shall for all purposes be deemed to have been wound up and dissolved, provided that any right or claim existing against The Royal Ontario Museum shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the Board of Governors.

Vesting of Museum in Board of Governors.

9.—(1) All property, real and personal, and the undertaking and assets, with all the rights, powers, privileges and immunities now vested in, owned, held, possessed or enjoyed by The Royal Ontario Museum are hereby vested in the Board of Governors without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, subject to the provisions of this Act and subject to all debts and obligations due or owing by or from The Royal Ontario Museum.

Rights to other assets.

(2) Without limiting the generality of the foregoing provisions, all gifts, devises, deeds, conveyances, transfers and leases of any real property or of any interest therein and all gifts, bequests, assignments and transfers of any personal property or of any interest therein, which have been or shall hereafter be made or intended for The Royal Ontario Museum are hereby vested in the Board of Governors as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board of Governors, but, so far as the Board of Governors may in its sole discretion deem it practicable or advisable, any property real or personal heretofore vested in The Royal Ontario Museum for any special purposes or trusts of or in any way connected with The Royal Ontario Museum shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions as are in force or declared under any statute, deed or other instrument affecting such property respectively and any property real or personal, hereafter given, devised, bequeathed, assigned or transferred to or intended for The Royal Ontario Museum, shall vest in the Board of Governors and shall be held for the purposes and trusts and with, under, and subject to the same powers and provisions for The Royal Ontario Museum as an integral part of the University of Toronto as are declared under any statute, deed or other instrument affecting such property respectively.

Rev. Stat., c. 378, repealed.

10. *The Royal Ontario Museum Act* is repealed.

Commencement of Act.

11. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

12. This Act may be cited as *The Royal Ontario Museum Act, 1947.*

CHAPTER 97.

The Sanatoria for Consumptives Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "association" shall mean any association, body or organization howsoever incorporated, authorized or empowered for the purpose of establishing, maintaining or operating a sanatorium; "association";

(*b*) "board" shall mean a board of trustees, directors, commission or other governing body or authority of a sanatorium; "board";

(*c*) "Department" shall mean Department of Health; "Department";

(*d*) "inspector" shall mean an officer of the Department designated under this Act as an inspector; "inspector";

(*e*) "local board" shall mean a local board of health established under *The Public Health Act;* "local board." Rev. Stat., c. 299.

(*f*) "local municipality" shall mean city, town, village and township; "local municipality";

(*g*) "medical officer of health" shall mean medical officer of health appointed under *The Public Health Act* or any person having the powers thereof; "medical officer of health";

(*h*) "Minister" shall mean Minister of Health; "Minister";

(*i*) "patient" shall mean a person admitted to a sanatorium for the purpose of treatment; "patient";

(*j*) "post-sanatorium care" of a former patient shall include, "post-sanatorium care";

(i) transportation from the sanatorium to the place of residence,

(ii) proper living accommodation, food, clothing and any other necessaries of life, and

(iii) special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

"provincial aid";

(*k*) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature;

"regulations";

(*l*) "regulations" shall mean regulations made under this Act;

"resident";

(*m*) "resident" shall mean a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium;

"sanatorium";

(*n*) "sanatorium" shall mean any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;

"superintendent";

(*o*) "superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium;

"territorial district"; Rev. Stat., c. 3.

(*p*) "territorial district" shall mean territorial district under *The Territorial Division Act;*

"treatment";

(*q*) "treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease; and

"unorganized territory".

(*r*) "unorganized territory" shall mean that part of a territorial district which is without municipal organization. R.S.O. 1937, c. 395, s. 1; 1939, c. 42, s. 1, *amended.*

PART I.

ESTABLISHMENT, OPERATION, INSPECTION OF SANATORIA.

Sanatoria aided in 1930 approved.

Rev. Stat., 1927, c. 257.

2.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province

of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if they had been approved under this Act.

New sanatoria to be approved.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until it has been approved by the Lieutenant-Governor in Council.

Suspension or revocation of approval.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 2, *amended*.

Inspectors.

3. The Minister, with the approval of the Lieutenant-Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1937, c. 395, s. 5, *amended*.

Powers of sanatorium.

4. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. R.S.O. 1937, c. 395, s. 6; 1939, c. 42, s. 3.

PART II.

MUNICIPAL SANATORIA.

Establishment of municipal sanatorium.

5. Subject to the provisions of this Act, any municipal corporation, including a county, or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations. R.S.O. 1937, c. 395, s. 7.

Provisional agreement for joint sanatorium.

6. When two or more municipal corporations propose jointly to establish a sanatorium, the councils of such corporations shall provisionally agree upon the proposal respecting the same. R.S.O. 1937, c. 395, s. 8.

Submission of proposals to Minister.

7. Any municipal corporation or corporations which propose to establish a sanatorium shall submit the proposals to the Minister and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and

information as may be required by the regulations. R.S.O. 1937, c. 395, s. 9, *amended.*

Site in another municipality.

8. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, such corporation shall, upon submitting the proposals to the Minister, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality shall, within one month after receipt of such notice, state in writing to the Minister, the objections, if any, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. R.S.O. 1937, c. 395, s. 10, *amended.*

Approval by Order-in-Council.

9. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon approval thereof, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. R.S.O. 1937, c. 395, s. 11, *amended.*

Procedure for establishment, by-laws, etc.

10. When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium, to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 12.

County sanatorium.

11. Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 10, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council. R.S.O. 1937, c. 395, s. 13.

Rev. Stat., c. 266, to apply.

12. Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all

debentures issued by a municipal corporation under this Act. R.S.O. 1937, c. 395, s. 14.

Improvements for sanatorium.

13. When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium. R.S.O. 1937, c. 395, s. 15.

Board of management.

14.—(1) When a municipal corporation has, or, jointly, two or more municipal corporations have established a sanatorium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same. R.S.O. 1937, c. 395, s. 16; 1938, c. 34, s. 4 (1).

Appointment to board by Lieutenant-Governor in Council.

(2) Notwithstanding the provisions of subsection 1, the Lieutenant-Governor in Council may appoint any person to be a member of a board of any sanatorium referred to in subsection 1, and such person shall hold office during pleasure; provided that where any such board consists of five members at the time of such appointment the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed. 1938, c. 34, s. 4 (2).

Trustees.

15. The qualifications of the trustees forming the board, their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement, and the trustees appointed shall hold office until their successors are appointed. R.S.O. 1937, c. 395, s. 17.

Corporate body.

16. The board shall be a corporation under such name as may be designated in the approval given by the Lieutenant-Governor in Council for its establishment. R.S.O. 1937, c. 395, s. 18, *amended*.

Chairman.

17. The board shall of its members elect yearly one of them to be its chairman to hold office for one year, or until his suc-

cessor is appointed, and a vice-chairman may also similarly be elected. R.S.O. 1937, c. 395, s. 19.

Agreements with associations.

18. With the approval of the Lieutenant-Governor in Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of section 10 or 11 in respect to by-laws passed thereunder. R.S.O. 1937, c. 395, s. 20.

PART III.

ALL SANATORIA.

Application of Part.

19. The provisions of this Part shall apply to all sanatoria whether established by municipal corporations or associations. R.S.O. 1937, c. 395, s. 21.

Powers of board.

20. Subject as in this Act and the regulations provided, or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes, the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 22.

Appointment of staff.

21. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties. R.S.O. 1937, c. 395, s. 23.

Powers of expropriation.

22. With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the same

Rev. Stat., c. 266.

same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations. R.S.O. 1937, c. 395, s. 24.

Exemption from taxation.

23. The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding, however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium. R.S.O. 1937, c. 395, s. 25.

Sale, etc., to be approved.

24. No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged, or otherwise disposed of without the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 26.

Protection from adverse expropriation.

25. No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act, without the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 27.

Saving as to highway widening.

26. Nothing in sections 24 and 25 contained, shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof. R.S.O. 1937, c. 395, s. 28.

Donations.

27. The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. R.S.O. 1937, c. 395, s. 29.

Approval for closing sanatorium.

28. No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. R.S.O. 1937, c. 395, s. 30.

Medical students' clinics.

29. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. R.S.O. 1937, c. 395, s. 31.

Sanatorium to admit patients.

30. Except as may otherwise be provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. R.S.O. 1937, c. 395, s. 32; 1939, c. 42, s. 4.

Admissions to association sanatorium.

31. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. R.S.O. 1937, c. 395, s. 34.

Refusal of communicable disease cases.

Rev. Stat., c. 299.

32. Nothing in this Act contained shall require that any sanatorium admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding. R.S.O. 1937, c. 395, s. 35.

Refusal of non-residents.

33. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. R.S.O. 1937, c. 395, s. 36.

PART IV.

MUNICIPAL LIABILITY.

Notice to municipality.

34.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.

Reply.

(2) Within thirty days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.

Penalty.

(3) If the clerk fails or neglects to comply with the provi-

sions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed. 1939, c. 42, s. 12, *part.*

Superintendent may request information.

35.—(1) Whenever the superintendent requires information regarding the ability of any patient to pay toward his maintenance in a sanatorium, the superintendent may request, by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.

Penalty for failure to reply.

(2) Unless the clerk of the local municipality within thirty days of the mailing to him of any such notice as mentioned in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section. 1939, c. 42, s. 12, *part.*

Cost of transportation to sanatorium.

36.—(1) The local municipality in which any indigent person is living at the time he requires admission to a sanatorium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the costs may recover such costs from the Department.

Transportation to another sanatorium.

(2) The local municipality in which any indigent patient was a resident at the time of the admission of such patient to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector.

Recovery by sanatorium.

(3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium. 1939, c. 42, s. 12, *part.*

Notice that patient recovered.

37.—(1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Responsibility of local board.

(2) Upon receiving such notice the local board shall furnish to or for any patient who is indigent the expenses of post-sanatorium care or such part thereof as he is unable to furnish himself. 1939, c. 42, s. 11 (1), *amended*.

Failure of local board to comply with provisions of subs. 2.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board. 1938, c. 34, s. 11, *part*; 1939, c. 42, s. 11 (2).

Return of patient to sanatorium.

(4) In the event that the local board fails or neglects to comply with the provisions of subsection 2, the Minister may direct that the patient shall be returned to a sanatorium, and the local municipality in which the patient was resident at the time of his last admission to a sanatorium shall pay the charges for his transportation together with the charges for his treatment at the rate set for provincial aid in the regulations. 1943, c. 28, s. 36.

Where patient proceeds to other municipality.

(5) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first-named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Recovery from county.

(6) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 5. 1939, c. 42, s. 11 (3).

Burial expenses.

38. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding $30. R.S.O. 1937, c. 395, s. 39; 1939, c. 42, s. 6.

Statements of account to be rendered.

39.—(1) When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which such patient was admitted shall render to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1937, c. 395, s. 46; 1938, c. 34, s. 8; 1939, c. 42, s. 8 (1).

Right of recovery.

(2) Upon payment by a local municipality of any expenses of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes. 1939, c. 42, s. 8 (2).

Municipal recourse against estate of patient.

40. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient, such local municipality or county may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1939, c. 42, s. 9.

Municipal recourse against proper municipality.

41. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 40. 1939, c. 42, s. 10.

Cases where residence not presumed.

42. For the purpose of this Act, no patient shall be deemed to be a resident in a local municipality,—

Persons seeking medical aid.

(*a*) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or

Health seekers in the districts.

(*b*) if the municipality is in a territorial district, and such patient having or suspected of having tuberculous disease, has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Pupils.

(*c*) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Nurses Registration Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Rev. Stat., c. 230.

Institutional inmates.

(*d*) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a patient or inmate; or

Member of military, naval or air force.

(*e*) if such patient has been living in the municipality by reason of being engaged on active service as a member of the military, naval or air force of Canada, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service. R.S.O. 1937, c. 395, s. 43; 1938, c. 34, s. 6; 1939, c. 42, s. 7; 1940, c. 28, s. 24.

Residence of former patients.

43. Where a former patient after his discharge from a sanatorium,—

(*a*) goes to a local municipality other than the local municipality in which he was a resident at the date of his admission to the sanatorium;

(*b*) receives post-sanatorium care under section 37 or otherwise under the Act while living in the first-mentioned municipality; and

(*c*) is not otherwise a resident of the first-mentioned local municipality,

such patient shall not, for the purposes of this Act, be deemed to be a resident of the local municipality in which he has been living since his discharge from the sanatorium but shall be deemed a resident of the local municipality in which he was resident at the date of his first admission to a sanatorium. *New.*

PART V.

PROVINCIAL AID.

Provincial aid.

44. Out of any moneys appropriated by the Legislature the Minister may pay provincial aid to a sanatorium for the treatment of every patient at the rate fixed by the regulations or may make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of a former patient, in accordance with the provisions of the regulations. 1938, c. 34, s. 11, *part, amended.*

PART VI.

GENERAL.

Medical officer may require examination.

45.—(1) Any medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.

Notice.

(2) In requiring any person to submit to an examination under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.

Penalty.

(3) Any person served with a notice who fails to carry out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 52.

Expenses.

(4) Any expenses incurred by a medical officer of health under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department. 1939, c. 42, s. 12, *part.*

Information or complaint.

46.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the Minister, make a complaint or lay an information in writing, and under oath before a justice of the peace, charging that the circumstances set out in clauses *a*, *b* and *c* of subsection 5 exist with regard to any person named in such complaint or information.

Issue of summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time and place named therein.

Issue of warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's inquiry.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act.

Rev. Stat., c. 136.

Order for detention.

(5) Where a magistrate finds that any such person,—

(*a*) is suffering from pulmonary tuberculosis in an infectious state;

(*b*) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and

(*c*) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advise of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary.

Laboratory certificate.

(6) In any inquiry under this section, upon production of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate shall be *prima facie* evidence of the facts stated therein, and of the authority of the person giving such certificate without any proof of appointment or signature.

Detention pending inquiry or removal.

(7) Any person detained pending a hearing under this section or pending his removal to a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons, shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate may direct.

Transfer of patients.

(8) The Minister may direct the transfer of any person detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient.

Extension of detention.

(9) Any person detained under this section may, with the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary. 1941, c. 51, s. 1, *part.*

Order for segregation.

47. Any patient in a sanatorium or in any other place set aside with the approval of the Minister for the care of tuberculous persons who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection, or whose behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary. 1941, c. 51, s. 1, *part.*

Authority to apprehend, etc.

48.—(1) The superintendent, every member of the medical staff and every nurse and attendant employed in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer shall have authority to,—

(*a*) execute any warrant and enforce any order of a magistrate issued or made under section 46 or 47;

(*b*) bring any person before a magistrate under subsection 9 of section 46 or section 47; and

(*c*) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 46 or 47.

Discharge by Minister.

(2) Where the Minister is of opinion that any person detained under section 46 or 47 in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

Expenses of proceedings.

(3) The expenses of all proceedings taken under section 46 or 47 shall be paid out of such moneys as may be appropriated for the purposes of this Act by the Legislature. 1941, c. 51, s. 1, *part.*

Transfer to a public hospital.

Rev.Stat., c. 390.

49. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act.* 1939, c. 42, s. 12, *part.*

Limitation of action.

50. Any action against a sanatorium or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards. 1939, c. 42, s. 12, *part.*

Regulations for sanatoria.

51.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

(*a*) their creation, establishment, construction, alteration, equipment, maintenance and repair;

(*b*) their classification, grades and standards;

(*c*) their inspection, control, government, management, conduct, operation and use, including the appointment of one member of the board;

(*d*) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

(*e*) the admission, treatment, conduct and discharge of patients;

(*f*) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release and discharge from sanatoria, and all other forms required for the carrying out of the provisions of this Act and the regulations;

(*g*) the classification, length of stay, rates and charges of and for patients;

(*h*) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

(*i*) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

(*j*) all other matters affecting sanatoria,

and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis and the post-sanatorium care of former patients. R.S.O. 1937, c. 395, s. 3; 1938, c. 34, s. 3, *amended*.

Enforcement of regulations.

(2) The Minister may, from time to time, declare all or any of the regulations not to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as he may deem expedient. R.S.O. 1937, c. 395, s. 4; 1939, c. 42, s. 2, *amended*.

Penalty.

52. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than $5 and not exceeding $500 recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 395, s. 53, *amended*.

Rev. Stat., c. 136.

Rev. Stat., c. 395; 1938, c. 34; 1939, c. 42; 1940, c. 28, s. 24; 1941, c. 51; 1943, c. 28, s. 36, repealed.

53. *The Sanatoria for Consumptives Act*, *The Sanatoria for Consumptives Amendment Act, 1938*, *The Sanatoria for Consumptives Amendment Act, 1939*, section 24 of *The Statute Law Amendment Act, 1940*, *The Sanatoria for Consumptives Amendment Act, 1941*, and section 36 of *The Statute Law Amendment Act, 1943*, are repealed.

Short title.

54. This Act may be cited as *The Sanatoria for Consumptives Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 98.

The Securities Act, 1947.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,— Interpretation,—

(*a*) "broker" shall mean any person or company, trading in securities in the capacity of an agent, who is a member of a stock exchange in Ontario and such other person or company, trading in securities in the capacity of an agent, who is recognized by the Commission as a broker; 1945, c. 22, s. 1, cl. (*a*), *amended*. "broker";

(*b*) "broker-dealer" shall mean any person or company who is a member of the Broker-Dealers' Association of Ontario and such other person or company recognized by the Commission as a broker-dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal; *New*. "broker-dealer";

(*c*) "Commission" shall mean Ontario Securities Commission; 1945, c. 22, s. 1, cl. (*c*). "Commission";

(*d*) "company" shall mean any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization; 1945, c. 22, s. 1, cl. (*d*), *amended*. "company";

(*e*) "industrial company" shall mean a company other than a company recognized by the Commission as a mining company or investment company; "industrial company";

(*f*) "investment company" shall mean a company, other than a company recognized by the Commission as a mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for "investment company";

the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature; *New.*

"investment counsel"; (*g*) "investment counsel" shall mean any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities; 1945, c. 22, s. 1, cl. (*g*), *part, amended.*

"investment dealer"; (*h*) "investment dealer" shall mean any person or company who is a member, branch office member or associate member of the Central District of the Investment Dealers' Association of Canada and such other person or company recognized by the Commission as an investment dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal;

"mining company"; (*i*) "mining company" shall mean a company, other than a company recognized by the Commission as an industrial company or an investment company, which engages either directly or indirectly in any mode or method of working whereby the ground, soil or earth or any rock, stone or quartz may be disturbed, removed, drilled, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of winning, obtaining or proving the presence of any mineral or minerals, which shall include in addition to any other minerals, any metal, coal, natural gas, oil and salt, or of any mineral-bearing substance, mineral deposit, ore body, stratum, soil, rock, bed of earth, clay, sand, gravel or cement; *New.*

"official"; (*j*) "official" shall mean president, vice-president, secretary, treasurer and manager; 1945, c. 22, s. 1, cl. (*h*), *amended.*

"person"; (*k*) "person" shall mean an individual, partnership, unincorporated association, unincorporated organization, and syndicate other than an incorporated syndicate; 1945, c. 22, s. 1, cl. (*i*), *amended.*

"primary distribution to the public"; (*l*) "primary distribution to the public" used in relation to securities shall mean,

(i) trades which are made for the purpose of distributing to the public securities issued by a company and not previously distributed, and

(ii) trades in previously distributed securities for the purpose of redistributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person or company or any combination of persons or companies holding a sufficient quantity of such securities or of the securities from which such securities have been derived to materially affect the control of the company which is the issuer of the securities,

whether such trades are made directly to the public or through an underwriter, optionee, sub-underwriter, sub-optionee or otherwise and shall include any transaction involving a purchase and resale, or a repurchase and resale, in the course of or incidenta to such distribution or redistribution to the public but shall not include either a trade through a person or company registered for trading in securities under this Act who is not engaged in such distribution or redistribution to the public but is acting as the agent of the purchaser or a sale by a person or company not engaged in such distribution or redistribution to the public; 1945, c. 22, s. 1, cl. (*j*), *amended.*

(*m*) "register" shall mean register under this Act; "register";

(*n*) "registrar" shall mean registrar of the Commission appointed under this Act; "registrar";

(*o*) "regulations" shall mean regulations made under the provisions of this Act; 1945, c. 22, s. 1, cls. (*k-m*). "regulations";

(*p*) "salesman" shall mean an individual registered as a salesman under this Act; 1945, c. 22, s. 1, cl. (*n*); 1946, c. 86, s. 1, *amended.* "salesman";

(*q*) "security" shall include, "security";

(i) any document, instrument or writing commonly known as a security,

(ii) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,

(iii) any document constituting evidence of an interest in an association of legatees or heirs,

(iv) any document constituting evidence of an interest in any option given upon a security,

(v) any bond, debenture, share, stock, note, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate or subscription,

(vi) any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,

(vii) any certificate of share or interest in a trust estate or association,

(viii) any profit-sharing agreement or certificate,

(ix) any certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,

(x) any oil or natural gas royalties or leases or fractional or other interest therein,

(xi) any collateral trust certificate,

(xii) any income or annuity contract not issued by an insurance company,

(xiii) any bankers' share,

(xiv) any trustees' share,

(xv) any investment contract, or

(xvi) any investment participating bond or investment trust debenture,

whether any of the foregoing relate to a person, proposed company or company as the case may be; 1945, c. 22, s. 1, cl. (*o*).

"security issuer"; (*r*) "security issuer" shall mean a company which engages in the primary distribution to the public of securities of its own issue; 1945, c. 22, s. 1, cl. (*p*), *amended.*

"sub-broker-dealer"; (*s*) "sub-broker-dealer" shall mean an individual who, being retired from active business or as incidental to his principal occupation and as correspondent of any investment dealers or broker-dealers or both, trades in securities for a part of his time in the capacity of an agent or principal; and *New.*

(*t*) "trade" or "trading" shall include, "trade"; "trading";

(i) any solicitation for or obtaining of a subscription to, disposition of or trade in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,

(ii) any attempt to deal in, sell or dispose of a security or an interest in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,

(iii) any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,

(iv) any receipt by a person or company registered for trading in securities under this Act of an order to buy or sell a security, whether the order is received over the telephone or in person, and

(v) any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing. 1945, c. 22, s. 1, cl. (*q*), *amended*.

PART I.

THE COMMISSION.

Commission,—how composed.

2.—(1) The Commission shall be composed of a chairman and not more than two other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant-Governor in Council. 1945, c. 22, s. 2 (1), *amended*.

Duties of chairman and members.

(2) The chairman shall devote his full time to the work of the Commission and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. 1945, c. 22, s. 2 (2).

Acts of chairman or vice-chairman subject to review.

3. The chairman, and in his absence the vice-chairman, may exercise and shall perform the powers and duties vested in or imposed upon the Commission by this Act or the regulations, but every direction, decision, order or ruling of the chairman or the vice-chairman shall be subject to review by the Commission, and the Commission may confirm or revoke any such direction, decision, order or ruling or may make such alteration therein or addition thereto as a majority of the members deem proper. 1945, c. 22, s. 3, *amended*.

Staff.

4. The staff of the Commission shall consist of a registrar and such other officers, clerks, stenographers and employees

as the Lieutenant-Governor in Council may appoint. 1945, c. 22, s. 4.

Salaries.

5.—(1) The members of the Commission, the registrar and the officers, clerks, stenographers and employees of the Commission shall be paid such salaries or remuneration as the Lieutenant-Governor in Council may determine. 1945, c. 22, s. 5.

Payment of salaries and other expenses.

(2) The salaries, remuneration and other expenses of the Commission shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1945, c. 22, s. 6.

PART II.

REGISTRATION.

Persons and companies required to register for trading in securities.

6.—(1) No person or company shall,—

(*a*) trade in any security unless such person or company is registered as a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer or as a salesman of a registered broker, investment dealer, broker-dealer or security issuer;

(*b*) act as a partner or officer of or on behalf of any person or company in connection with a trade in any security by such person or company unless such person or company is registered for trading in securities under this Act;

(*c*) act as a salesman of or on behalf of any person or company in connection with a trade in any security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a broker, investment dealer, broker-dealer or security issuer; or

(*d*) act as an investment counsel unless such person or company is registered as an investment counsel,

and such registration has been made in accordance with the provisions of this Act and the regulations and such person or company, as the case may be, has received written notice of such registration from the registrar. 1945, c. 22, s. 7 (1), *amended*.

When separate registration of partners, officers and officials not required.

(2) Where a person or company is registered as a broker, investment dealer, broker-dealer or investment counsel, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer or investment counsel, as the case may be, on behalf of such, without separate registration and where a company is registered as a security issuer the officials thereof

may act on its behalf in connection with a trade in a security by such company without separate registration. 1945, c. 22, s. 7 (2), *amended.*

New partners or officers must be approved.

(3) No individual who becomes a partner or officer of a person or company after such person or company has been registered shall trade in securities until such person or company has received from the registrar written permission for such partner or officer so to trade. 1945, c. 22, s. 7 (3), *amended.*

Termination of employment of salesman.

(4) The termination of the employment of a salesman with a person or company registered for trading in securities under this Act shall operate as a suspension of the registration of such salesman until notice in writing has been received by the registrar from a person or company registered for trading in securities under this Act of the employment of such salesman and such employment has been approved by the Commission. 1945, c. 22, s. 7 (4), *amended.*

Registration.

7. The Commission shall grant registration or renewal of registration to an applicant where in the opinion of the Commission the applicant is suitable for registration and the proposed registration is not objectionable. 1945, c. 22, s. 9.

Suspension, cancellation.

8. The Commission shall suspend or cancel any registration where in its opinion such action is in the public interest. 1945, c. 22, s. 10.

Further applications.

9. Notwithstanding any ruling of the Commission a further application for registration may be made upon new or other material or where it is clear that material circumstances have changed, provided that no further application for registration shall be made within six months of such ruling unless leave is first obtained from the Commission. 1945, c. 22, s. 11, *amended.*

Proviso.

Application to be upon forms with proper fees and bonds.

10.—(1) Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations and a bond in such amount and form, subject to section 21, as may be prescribed by the regulations. 1945, c. 22, s. 12.

Type of bond.

(2) The bond shall be,—

Rev. Stat., c. 263.

(*a*) the bond of a guarantee company approved under *The Guarantee Companies Securities Act;*

(*b*) a personal bond accompanied by collateral security; or

(*c*) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer of Ontario. *New.*

Address for service.

11. Every applicant shall state in the application an address for service in Ontario, and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. 1945, c. 22, s. 13.

Further information.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or company to submit to examination under oath. 1945, c. 22, s. 14, *amended.*

Appointment of experts.

13.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may deem expedient.

Submission of documents to experts.

(2) The Commission may submit any agreement, prospectus, financial statement, report or other document to one or more experts appointed under subsection 1 for examination and the Commission shall have the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission by subsection 3 of section 26 and the provisions of subsections 3 and 4 of section 26 shall apply *mutatis mutandis.*

Payment for services.

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant-Governor in Council may determine. *New.*

Residence.

14.—(1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration.

(2) Where a company or partnership makes application for registration, such registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration. 1945, c. 22, s. 15 (1, 2), *amended.* Idem.

(3) For the purposes of this section a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces. 1945, c. 22, s. 15 (3). Service in the forces.

15. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered person or company shall apply for renewal of registration on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the prescribed fee. 1945, c. 22, s. 16, *amended.* Termination and renewal of registration.

16.—(1) Every registered broker, investment dealer and broker-dealer shall, within five days, notify the registrar in writing of,— Change in registration of broker, investment dealer and broker-dealer.

(*a*) any change in the address for service;

(*b*) any change in the officers or members in the case of a company or partnership; and

(*c*) the commencement and termination of employment of every salesman.

(2) Every registered security issuer shall, within five days, notify the registrar in writing of,— Security issuer.

(*a*) any change in the address for service;

(*b*) any change in the officials; and

(*c*) the commencement and termination of employment of every salesman. 1945, c. 22, s. 17 (1), *amended.*

(3) Every registered investment counsel shall, within five days, notify the registrar in writing of,— Investment counsel.

(*a*) any change of the address for service; and

(*b*) any change in the officers or members in the case of a company or partnership.

Salesmen. (4) Every registered salesman shall, within five days, notify the registrar in writing of,—

(*a*) any change in his address for service; and

(*b*) every commencement and termination of his employment by a person or company registered for trading in securities under this Act. 1945, c. 22, s. 17 (2, 3), *amended*.

Sub-broker-dealer. (5) Every registered sub-broker-dealer shall, within five days, notify the registrar in writing of any change in his address for service. *New*.

Registrar to make daily deposit. **17**.—(1) The registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund. (2) Where an application is refused or a registration is cancelled the registrar may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund. 1945, c. 22, s. 18.

EXEMPTION FROM REGISTRATION.

Exemptions from registration as investment counsel. **18**. Registration as an investment counsel shall not be required to be obtained by,—

Banks, loan, trust and insurance companies, public officers. 1944-45, cc. 30, 44 (Can.). Rev. Stat., cc. 257, 256. (*a*) a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or any officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province, or of any municipal corporation or public board or commission in Canada;

Lawyers, accountants, engineers and teachers. (*b*) any lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his profession;

Persons or companies registered for trading in securities, etc. (*c*) any person or company registered for trading in securities under this Act, or any officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor;

(*d*) the publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel only through such publication and has no interest either directly or indirectly in any of the securities upon which such advice is given and receives no commissions or other consideration for giving such advice and who gives such advice as solely incidental to the conduct of his business as a publisher; or

Certain publishers.

(*e*) such other persons or companies not within the intent of this section as may be designated by the regulations. 1945, c. 22, s. 1, cl. (*g*), *part*, *amended*.

Persons or companies designated by Commission.

19.—(1) Subject to the provisions of the regulations, registration shall not be required in respect of the following trades,—

Exemptions from registration re certain trades.

(*a*) a trade in a security taking place at a judicial, executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), a receiver under *The Judicature Act* or a liquidator under *The Companies Act* or the *Winding-up Act* (Canada); 1945, c. 22, s. 19, cl. (*a*).

Judicial sales.

R.S.C., cc. 11, 213; Rev. Stat., cc. 100, 251.

(*b*) an isolated trade in a specific security by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person whose usual business is trading in securities; 1945, c. 22, s. 19, cl. (*b*), *amended*.

Isolated transactions by owner.

(*c*) a trade where one of the parties is a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada; 1945, c. 22, s. 19, cl. (*c*), *amended*.

Banks, loan, trust and insurance companies, public officers.

1944-45, cc. 30, 44 (Can.). Rev. Stat., cc. 257, 256.

(*d*) a trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by

Sale of pledged security.

selling or offering for sale or delivering in good faith in the ordinary course of business a security pledged in good faith as security for such debt; 1945, c. 22, s. 19, cl. (*d*).

Non-trading employees' transactions.

(*e*) a trade in a security which may occasionally be transacted by employees of a person or company registered for trading in securities under this Act where such employees do not usually sell securities to the public and have been temporarily designated by the registrar as "non-trading" employees, either individually or as a class; 1945, c. 22, s. 19, cl. (*q*), *amended*.

Trades between issuer and underwriter.

(*f*) a trade between a person or company and an underwriter, optionee, sub-underwriter or sub-optionee in securities issued by such person or company and trades in such securities between or among underwriters, optionees, sub-underwriters and sub-optionees; 1945, c. 22, s. 19, cl. (*r*).

Company selling securities through agent.

(*g*) a trade in a security by a company acting solely through an agent who is a person or company registered for trading in securities under this Act; or *New*.

Trades exempted by regulations.

(*h*) any trades in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (*u*), *part*, *amended*.

Exemptions from registration re certain securities.

(2) Subject to the provisions of the regulations, registration shall not be required to trade in the following securities,—

Stock dividends, distribution of earnings, etc.

(*a*) securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration, except for ministerial or professional services, is paid or given in respect of such distribution, issuance or sale; 1945, c. 22, s. 19, cl. (*e*), *amended*.

Exchange on merger.

(*b*) securities of a company which are exchanged by or on account of such company with another company

or the holders of the securities of such other company in connection with a consolidation, amalgamation, merger or re-organization of either company; 1945, c. 22, s. 19, cl. (*f*), *amended.*

(*c*) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof, or of or guaranteed by the government of any foreign country or state forming a portion of such foreign country; Government securities.

(*d*) securities in which trust funds may lawfully be invested in Ontario; Trust.

(*e*) securities secured by mortgage upon real estate or tangible personal property where all of the securities are sold at the one time; Secured bonds.

(*f*) negotiable promissory notes or commercial paper maturing not more than a year from the date of issue; Negotiable paper.

(*g*) securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the acquisition of personal property under conditional sale contracts; Securities based upon conditional sales.

(*h*) securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder; Shares of non-profit sharing companies.

(*i*) securities issued by corporations operated on a co-operative basis as defined by Part XII of *The Companies Act;* Co-operative corporations. Rev. Stat., c. 251.

(*j*) shares of a credit union within the meaning of *The Credit Unions Act, 1940*; Shares of credit union. 1940, c. 7.

(*k*) securities traded by a company with its employees who are not induced to trade by expectation of employment or continued employment; 1945, c. 22, s. 19, cls. (*g-o*). Company stock sales to employees.

(*l*) securities of a private company issued by such private company where such securities are not offered for sale to the public; 1945, c. 22, s. 19, cl. (*p*), *amended.* Securities of private company.

Prospector's "grub stake".

(*m*) securities issued and sold by a prospector for the purpose of financing a prospecting expedition; 1945, c. 22, s. 19, cl. (*s*), *amended.*

Syndicate units, sale by prospector.

(*n*) securities issued by a prospecting syndicate where such securities are sold by the prospector or one of the prospectors who staked the claims which belong to or are the subject of a declaration of trust in favour of such prospecting syndicate within the meaning of Part VII, provided that a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and provided that the prospector delivers a copy of such prospecting syndicate agreement to the person purchasing the security before accepting payment therefor; 1945, c. 22, s. 19, cl. (*t*), *amended.*

Syndicate units when sold to not more than fifty persons or companies.

(*o*) securities of a prospecting syndicate within the meaning of Part VII, issued by such prospecting syndicate, where a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and where such securities are not offered for sale to the public and are sold to not more than fifty persons or companies; or *New.*

Securities exempted by regulations.

(*p*) securities in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (*u*), *part*, *amended.*

Where exemptions not to apply to prospector.

(3) Where any prospector has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clauses *m* and *n* of subsection 2 shall not apply to him or to any member of a prospecting syndicate of which he is a member. 1946, c. 86, s. 2, *amended.*

Floor traders.

20.—(1) A person shall not be required to obtain registration by reason only of trades made by him as a floor trader upon the floor of a stock exchange. 1945, c. 22, s. 20 (1).

Non-trading employees.

(2) The registrar may designate as "non-trading" any employee or class of employees of a person or company registered for trading in securities under this Act who do not usually sell securities to the public, but such designation shall be temporary only and may be cancelled as to any employee or class of employees where the registrar is satisfied that any such employee or member of any such class of employees should be required to apply for registration as a salesman. 1945, c. 22, s. 20 (2), *amended.*

PART III.

FORFEITURE OF BOND.

21.—(1) Any bond mentioned in section 10 shall be forfeit and the amount thereof shall become due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario where,— Forfeiture of bond.

(*a*) the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned has been convicted of,

(i) an offence under this Act,

(ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada), R.S.C., c. 36. or

(iii) an offence in connection with a transaction relating to securities under the *Criminal Code* (Canada);

(*b*) judgment based on a finding of fraud has been given against the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned; or

(*c*) proceedings by or in respect of a broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada) R.S.C., c. 11. or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made,

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1945, c. 22, s. 21 (1); 1946, c. 86, s. 3, *amended*.

(2) A bond may be cancelled by any person bound thereunder by giving to the registrar at least two months' notice in writing of intention to cancel and, subject to the provisions of Cancellation of bond.

subsection 3, it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar. *New.*

Term of bond.

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first. 1945, c. 22, s. 21 (2), *amended.*

Sale of collateral security.

22. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 21, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Proceedings to enforce forfeiture.

23. Where His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of section 21, the Commission may take such proceedings as it shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. 1945, c. 22, s. 22.

R.S.C., c. 11; Rev. Stat., cc. 100, 251; R.S.C., c. 213.

Assignment of bond or payment of moneys to creditors.

24. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

(*a*) to assign any bond forfeited under section 21 and transfer the collateral security, if any;

(*b*) to pay over any moneys recovered under such bond; or

(*c*) to pay over any moneys realized from the sale of the collateral security under section 22,

to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company, as the case may be. 1945, c. 22, s. 23, *amended.*

Where no claims against proceeds of bond.

25. Where a bond has been forfeited under section 21 by reason of a conviction or judgment under clause *a* or *b* of subsection 1 thereof and the Commission has not within two years of such conviction or judgment having become final, or of the registered person or company in respect of whom the bond

was

was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to such person or company or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such person or company. 1945, c. 22, s. 24, *amended*.

PART IV.

INVESTIGATION AND ACTION BY COMMISSION.

Order to investigate.

26.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,—

(*a*) violated any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities, R.S.C., c. 36.

the Commission may by order appoint any person to make such investigation as it deems expedient for the due administration of this Act and in such order shall determine and prescribe the scope of the investigation. 1945, c. 22, s. 25 (1), *amended*.

Scope of investigation.

(2) For the purposes of any investigation ordered under subsection 1 the person appointed to make the investigation may investigate, inquire into and examine,—

(*a*) the affairs of the person or company in respect of whom or which the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and into any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and

(*b*) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the

financial or other conditions at any time prevailing in or in relation to, or in connection with any such person or company and into the relationship which may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Power to summon witnesses and require production.

(3) For the purposes of subsections 1 and 2 the person making the investigation shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

(*a*) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;

(*b*) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(*c*) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat., c. 119.

(*d*) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Seizure of property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company the affairs of whom or of which are being investigated.

Accountants; other experts.

(5) Where an investigation is ordered under this section the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company the affairs of whom or of which are being investigated.

(6) Every person appointed under subsection 1 or subsection 5 shall report the result of his investigation or examination to the Commission. 1945, c. 22, s. 25 (2-6). Report of investigation.

27. Where upon the report of an investigation made under section 26 it appears to the Commission that any person or company may have,— Report to Attorney General.

(*a*) violated any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities, R.S.C., c. 36.

the Commission shall send a full and complete report of such investigation including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Attorney General. 1945, c. 22, s. 26.

28. Notwithstanding the provisions of section 26, the Attorney General may by order appoint any person to make an investigation into any matter relating to a trade in securities, in which case the person so appointed shall, for the purposes of the investigation, have the same authority, powers, rights and privileges as a person appointed under section 26. 1945, c. 22, s. 27, *amended*. Investigation under order of Attorney General.

29. No person, without the consent of the Commission, shall disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 26 or 28. 1945, c. 22, s. 28, *amended*. Evidence not to be disclosed.

30. Where an investigation has been made under section 26 the Commission may, and where an investigation has been made under section 28 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations, to the Attorney General and the Attorney General may cause such report to be published in whole or in part in such manner as he deems proper. 1945, c. 22, s. 29. Reporting to Attorney General,— publication of report.

31.—(1) The Commission may,— Order to hold or refrain from dealing with funds.

(*a*) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;

(*b*) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the

registration of any person or company or affecting the right of any person or company to trade in securities; or

(*c*) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c*, to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction. 1946, c. 86, s. 4, *amended*.

R.S.C., cc. 11, 213; Rev. Stat., cc. 100, 251.

Application for direction.

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just. 1945, c. 22, s. 30 (2).

Notice to registrars of deeds or masters of titles.

(3) In any of the circumstances mentioned in clause *a*, *b* or *c* of subsection 1, the Commission may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles or any mining recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as

the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. 1945, c. 22, s. 30 (3), *amended*.

Application for appointment of receiver, trustee and manager.

32.—(1) The Commission may,—

(*a*) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;

(*b*) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or

(*c*) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

Appointment.

(2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

Ex parte application.

(3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

Powers of receiver, trustee and manager.

(4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority, if so directed by the Court, to wind-up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

Enforcement of order.

(5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Rules of Practice to apply.

(6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply. 1946, c. 86, s. 5, *amended*.

PART V.

APPEALS.

Notice of direction, decision, etc.

33. A notice of every direction, decision, order or ruling of the Commission,—

(*a*) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any person or company; or

(*b*) regarding trading or the right to trade in securities or any conditions or restrictions relating thereto,

shall be served upon the applicant or the person or company whose registration is thereby affected and upon such other person or company as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission. 1945, c. 22, s. 44, *amended*.

Review by Commission.

34.—(1) Any person or company upon whom a notice is served under section 33 or any other person or company who is primarily affected by any such direction, decision, order or ruling may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Commission of the direction, decision, order or ruling.

Notice of hearing.

(2) Where a hearing and review is requested under subsection 1 the registrar shall serve a notice in writing of the time and place thereof to the person or company requesting the hearing and review and to such other person or company as in the opinion of the Commission is primarily affected by the hearing, stating the date and place thereof.

Evidence.

(3) Upon the review the Commission may hear such evidence as may be submitted to it by the person or company requesting the review or by any other person or company and which in the opinion of the Commission is relevant to the review but shall not be bound by the legal or technical rules of evidence and all oral evidence submitted shall be taken down

in writing and together with such documentary evidence and things as are received in evidence by the Commission shall form the record.

Power on review.

(4) Upon a review the Commission may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as a majority of the members of the Commission deem proper.

Notice of order on review.

(5) A notice of the order made upon every review shall be served forthwith upon the person or company requesting the review and to such other person or company as in the opinion of the Commission is primarily affected by such order. 1945, c. 22, s. 45.

Appeal to Supreme Court.

35.—(1) Where the Commission has reviewed a direction, decision, order or ruling under section 34 any person or company upon whom a notice is served under subsection 5 of section 34 or any other person or company who is primarily affected by any such direction, decision, order or ruling or by the order made upon the review, may appeal to a justice in appeal of the Supreme Court.

Form of appeal.

(2) Every appeal shall be by notice of motion served upon the registrar within thirty days after the mailing of the notice under subsection 5 of section 34 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act.

Certificate of registrar.

(3) The registrar shall certify to the Registrar of the Supreme Court of Ontario,—

(*a*) the direction, decision, order or ruling which has been reviewed by the Commission;

(*b*) the order of the Commission upon the review, together with any statement of reasons therefor;

(*c*) the record of the review; and

(*d*) all written submissions to the Commission or other material which in the opinion of the registrar are relevant to the appeal.

Counsel.

(4) The Attorney General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. 1945, c. 22, s. 46.

Order of Court.

36. Where an appeal is taken under section 35 the Court may by its order direct the Commission to make such direc-

tion, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly. 1945, c. 22, s. 47.

Further direction, etc.

37. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Commission shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 33 to 36. 1945, c. 22, s. 48.

PART VI.

AUDITS.

Panel of auditors.

38. Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall,—

(*a*) select a panel of auditors each of whom shall have practised as such in Ontario for not less than five years and shall be known as a panel auditor or member's auditor; and

(*b*) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment shall be subject to the approval of the Commission and such appointee shall be an auditor who shall have practised as such in Ontario for not less than ten years. 1945, c. 22, s. 33, *amended*.

Audits by stock exchanges and associations.

39.—(1) Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under section 38 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

Auditing by-laws, etc. to be satisfactory to Commission.

(2) The by-laws, rules and regulations of every stock exchange in Ontario, the rules and regulations of the Central District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations

under

under subsection 1 and the actual conduct of such examinations shall be satisfactory to the Commission. *New.*

Annual financial statement,—filing of.

40. Every registered broker, investment dealer and broker-dealer whose financial affairs are not subject to examination under section 39 shall keep such books and records as are necessary for the proper recording of his or its business transactions and financial affairs and shall file with the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his or its financial position, certified by such broker, investment dealer or broker-dealer, or an officer or partner thereof, and reported upon by the auditors of such broker, investment dealer or broker-dealer, and such other information as the Commission may require in such form as it may prescribe. 1945, c. 22, s. 42 (1), *amended.*

Commission to make audits.

41.—(1) Notwithstanding anything contained in sections 38, 39 and 40, the Commission or any person to whom as its representative it may in writing delegate such authority may at any time make an examination of the financial affairs of any person or company registered under this Act or any person or company whose securities have been the subject of a filing with the Commission, and prepare a balance sheet as of the date of such examination and such other statements and reports as may be required by the Commission.

Access to books, securities, etc.

(2) The Commission or any person making an examination under this section shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination.

Fees.

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. 1945, c. 22, s. 43, *amended.*

PART VII.

PROSPECTING SYNDICATES.

Agreements.

42.—(1) Upon the acceptance for filing of a prospecting syndicate agreement by the Commission, the liability of the members of the syndicate or parties to the agreement shall be limited to the extent provided by the terms of such agreement where,—

(*a*) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties or any combination thereof;

(*b*) the agreement clearly sets out,

(i) the purpose of the syndicate,

(ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,

(iii) the maximum amount, not exceeding twenty-five per centum of the sale price, which may be charged or taken by any person as commission upon the sale of units in the syndicate,

(iv) the maximum number of units in the syndicate, not exceeding thirty-three and one-third per centum of the total number of units of the syndicate, which may be issued in consideration of the transfer to the syndicate of mining properties,

(v) the location of the head office of the syndicate and that such head office shall at all times be maintained in Ontario and that the Commission and the unit holders of the syndicate shall be notified immediately of any change in the location of the head office,

(vi) that any person holding mining properties for the syndicate shall execute a declaration of trust in favour of the syndicate with respect to such mining properties,

(vii) that after the sale for cash of any issued units of the syndicate, no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by a vote of at least two-thirds of the units of the syndicate which have been sold for cash,

(viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,

(ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Commission and to each unit holder annually,

(x) that ninety per centum of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the

Commission and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,

(xi) that no securities other than those of the syndicate's own issue, or no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by a vote of at least two-thirds of the issued units of the syndicate other than escrowed units; and

(*c*) the agreement limits the capital of the syndicate to a sum not exceeding $35,000. 1945, c. 16, s. 2 (1), *amended.*

Commission may file.

(2) The Commission may in its discretion accept for filing any agreement submitted for filing under this section and shall not be required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1. 1945, c. 16, s. 2 (3), *amended.*

Rev. Stat., c. 189 not to apply.

(3) Where a prospecting syndicate agreement is accepted for filing under this section, the requirements of *The Partnership Registration Act* as to filing shall not apply thereto. 1945, c. 16, s. 2 (4), *amended.*

Filing of agreements under previous Acts.

(4) Every agreement filed with,—

(*a*) the Provincial Secretary or a mining recorder under the provisions of section 13*f* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1940*, and renumbered by section 3 of *The Securities Amendment Act, 1941;* and Rev. Stat., c. 265; 1940, c. 25; 1941, c. 53.

(*b*) the Commission or a mining recorder under the provisions of *The Prospecting Syndicate Agreements Act, 1945*, 1945, c. 16.

shall be deemed to be accepted for filing by the Commission within the meaning of this Act. 1945, c. 16, s. 6, *amended.*

PART VIII.

TRADING IN THE SECURITIES OF A MINING COMPANY.

Trades in a security issued by a mining company on primary distribution to the public.

43.—(1) No person or company shall trade in any security issued by a mining company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person

who is, at the time of filing, a director or promoter of the mining company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such mining company,— 1945, c. 22, s. 49 (1), cl. (*a*), *amended.*

(*a*) the full name of the company and the address of the head office;

(*b*) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;

(*c*) the officers, directors and promoters giving in each case the name in full, present occupation and home address in full;

(*d*) the name and address of the auditor;

(*e*) the name and address of every registry and transfer agency;

(*f*) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;

(*g*) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued;

(*h*) the number of shares or other securities held in escrow, the name of the trustee and a summary of the provisions of the escrow agreement including the proposed plan of release from escrow;

(*i*) the shares sold for cash to date tabulated under each class of shares as follows,

(i) the number of shares sold, separately listed as to price,

(ii) total cash received for the shares sold, and

(iii) the commissions paid on the sale of the shares;

(*j*) particulars of securities, other than shares, sold for cash to date as follows,

(i) the securities sold,

(ii) total cash received for the securities sold, and

(iii) the commissions paid on the sale of the securities;

(*k*) the number of shares issued or to be issued or cash paid or to be paid to any promoter with his name and address and the consideration for the payment;

(*l*) particulars as follows,

(i) official designation and location of all properties, showing whether owned, leased or held under option or intended to be acquired by the company and all material facts relating to leases or options,

(ii) names and addresses of all vendors of property purchased or intended to be purchased by the company, showing the consideration paid or intended to be paid to each vendor, and the property acquired from each, and

(iii) the names and addresses in full of every person or company who has received or is to receive from any vendor a greater than five per centum interest in the shares or other consideration received or to be received by the vendor;

(*m*) the particulars relating to all properties as follows,

(i) the means of access thereto,

(ii) the character, extent and condition of any underground exploration and development and any underground plant and equipment, and if none so state,

(iii) the character, extent and condition of any surface exploration and development and any surface plant and equipment, and if none so state,

(iv) the known history of the property, and

(v) a description of any work done and improvements made by the present management, and if none so state;

(*n*) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into;

(*o*) the details of future development and exploration plans of the management showing how it is proposed to expend the proceeds from current sales of securities;

(*p*) where a company has not been incorporated for more than one year prior to the date of the statement, the amount or estimated amount of preliminary expenses showing administrative and development expenses separately, including the amount already expended and the estimated future expenditures in each case;

(*q*) the amount and general description of any indebtedness to be created or assumed, which is not shown in a balance sheet filed with the Commission, and also particulars of the security, if any, given or to be given for such indebtedness;

(*r*) particulars as follows,

(i) the principal business in which each director or officer has been engaged during the past three years and giving the length of time, position held and name of company or firm,

(ii) the nature and extent of the interest, direct or indirect, which any director or officer of the company, whether personally or as a partner in a firm, has ever had in any property acquired or to be acquired by the company, and

(iii) the aggregate remuneration paid by the company during the last financial year, and estimated to be paid or payable during the current financial year to directors and, separately stated, to officers;

(*s*) the particulars of dividends, if any, paid during the last five years;

(*t*) the names and addresses of the persons who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position or are entitled to elect or cause to be elected a majority of the directors of the company;

(*u*) any other material facts not disclosed in the foregoing;

(*v*) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required under section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required;* and

(*w*) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

Report on mining companies.

(2) A full and up-to-date report on the property of the mining company and the development thereof made by a person who in the opinion of the Commission is a qualified mining engineer, geologist or prospector, certified by such person stating,—

(*a*) the address and occupation of such person;

(*b*) the qualifications of such person;

(*c*) any interest which such person may have either directly or indirectly or which he may expect to receive either directly or indirectly in the property or securities;

(*d*) whether or not the report is based on personal examination;

(*e*) the date of any such examination; and

(*f*) where not personally examined the source of information contained in the report,

shall accompany the prospectus required under subsection 1. 1945, c. 22, s. 49 (5), *amended.*

Commission to be notified of primary distribution to the public.

(3) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (*b*), *amended.*

Signing by agent; non-availability of director.

(4) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended.*

Responsibility of underwriter; optionee.

(5) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended.*

Balance sheet and report by auditors.

(6) Financial statements of a mining company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(*a*) a balance sheet on which the shares of capital stock, issued in payment of properties, claims or leases and the values at which such shares were issued shall be shown separately from the shares issued for cash or other consideration and supported by analyses of deferred charges where such deferred charges are significant, approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably compre-

hensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and

(*b*) if profits have been earned or losses sustained, a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods. 1945, c. 22, s. 49 (4), *amended*.

Idem. (7) In the case of a mining company which has been carrying on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *b* of subsection 6 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

Idem. (8) If the proceeds or any part of the proceeds of the securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 6 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New*.

Corrections. (9) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signa-

tories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended*.

New prospectus, report and statements required after expiration of twelve months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the report required under subsection 2 and the financial statements required under subsection 6 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New*.

PART IX.

TRADING IN THE SECURITIES OF AN INDUSTRIAL COMPANY.

Trades in a security issued by an industrial company on primary distribution to the public.

44.—(1) No person or company shall trade in any security issued by an industrial company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the industrial company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such industrial company,—

1945, c. 22, s. 49 (1), cl. (*a*), *amended*.

(*a*) the full name of the company and the address of the head office;

(*b*) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;

(*c*) the general nature of the business actually transacted or to be transacted;

(*d*) the officers and directors giving in each case the name in full, present occupation and home address in full;

(*e*) the name and address of the auditors;

(*f*) the name and address of every registry and transfer agency;

(*g*) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;

(*h*) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;

(*i*) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;

(*j*) the amount and a general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;

(*k*) the particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

(*l*) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;

(*m*) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;

(*n*) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;

(*o*) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,

(i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,

(ii) any preliminary expenses payable by the company,

(iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to procure subscriptions for any shares in the company,

(iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and

(v) the repayment of bank loans, if any;

(*p*) the particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;

(*q*) any provisions of the by-laws as to the remuneration of the directors;

(*r*) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;

(*s*) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in or obligations of the company, or the rate of any such commission;

(*t*) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;

(*u*) the particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;

(*v*) the names and addresses of the vendors of any property under clause *u* and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to

the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;

(*w*) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;

(*x*) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;

(*y*) the particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause *o* and amount included under clause *s* and amount included under clause *w*;

(*z*) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;

(*za*) the dates of and the parties to and the general nature of every material contract entered into within

the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;

(*zb*) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company, or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;

(*zc*) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;

(*zd*) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;

(*ze*) where any securities of the company of the same class as those offered are held in escrow, particulars of the number and description thereof, the name of the depositary, the date on which and the conditions, if any, governing the release of such securities from escrow;

(*zf*) where shares are offered, particulars of dividends,

if any, paid during the five years preceding the date of the statement;

(*zg*) any other material facts not disclosed in the foregoing;

(*zh*) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required;* and

(*zi*) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

Commission to be notified of primary distribution to the public.

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (*b*), *amended.*

Signing by agent; non-availability of director.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended.*

Responsibility of underwriter; optionee.

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended.*

Balance sheet and report by auditors.

(5) Financial statements of an industrial company in a form acceptable to the Commission, or if such company has

any

any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(*a*) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and

(*b*) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods. 1945, c. 22, s. 49 (4), *amended.*

Idem. (6) In the case of an industrial company which has been carrying on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *b* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

Idem. (7) If the proceeds or any part of the proceeds of the securities offered in the prospectus are or is to be applied

 directly

directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Pro forma balance sheet.

(8) A *pro forma* balance sheet of an industrial company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, a *pro forma* consolidated balance sheet of such company and all its subsidiaries in a form acceptable to the Commission and approved by two directors of such company and reported upon by the auditors of such company, as at the same date as the financial statements required under subsection 5 or, if no financial statements are required under subsection 5, as at a date acceptable to the Commission, and which *pro forma* balance sheet purports to give effect to the sale, issue or redemption of securities issued or to be issued by such company, may, if the Commission so requires or permits, accompany the prospectus required under subsection 1 or the financial statements required under subsection 5, as the case may be, provided that the preface to such *pro forma* balance sheet gives a plain and full disclosure of the assumptions upon which such *pro forma* balance sheet is based. *New.*

Corrections.

(9) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended.*

New prospectus and statements required after expiration of twelve months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART X.

TRADING IN THE SECURITIES OF AN INVESTMENT COMPANY.

Trades in a security issued by an investment company on primary distribution to the public.

45.—(1) No person or company shall trade in any security issued by an investment company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the investment company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such investment company,—

1945, c. 22, s. 49 (1), cl. (*a*), *amended.*

(*a*) the full name of the company and the address of the head office;

(*b*) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;

(*c*) the general nature of business actually transacted or to be transacted giving full particulars of investment powers and duties;

(*d*) the officers and directors giving in each case the name in full, present occupation and home address in full;

(*e*) the names and home addresses in full of the persons constituting any investment advisory committee or similar body together with a concise statement of powers and duties, and giving the business experience of such persons for the preceding five years, and where such persons are officers or directors of other companies, so stating, giving the names of such companies;

(*f*) the name and address of the auditors;

(*g*) the name and address of every registry and transfer agency;

(*h*) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;

(*i*) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;

(*j*) particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;

(*k*) the names and addresses in full of any trustees and the particulars of any trustee agreements where assets are held to protect the liability to the public in respect of securities sold to the public and if not applicable so stating;

(*l*) the amount and general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;

(*m*) particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the

course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

(*n*) a brief description of the method by which the securities offered will be sold to the public;

(*o*) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;

(*p*) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;

(*q*) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;

(*r*) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,

(i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,

(ii) any preliminary expenses payable by the company,

(iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to

procure subscriptions for any shares in the company,

(iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and,

(v) the repayment of bank loans, if any;

(*s*) particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;

(*t*) any provisions of the by-laws as to the remuneration of the directors and of the persons constituting the investment advisory committee or similar body, if any;

(*u*) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;

(*v*) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any securities of the company, or the rate of any such commission;

(*w*) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;

(*x*) particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this

clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;

(*y*) the names and addresses of the vendors of any property under clause *x* and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;

(*z*) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;

(*za*) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;

(*zb*) particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause *r* and amount included under clause *v* and amount included under clause *z*;

(*zc*) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;

(*zd*) the dates of and the parties to and the general nature of every material contract entered into within the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;

(*ze*) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;

(*zf*) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;

(*zg*) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;

(*zh*) the particulars of dividends, if any, paid during the five years preceding the date of the statement;

(*zi*) any other material facts not disclosed in the foregoing;

(*zj*) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required;* and

(*zk*) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

Commission to be notified of primary distribution to the public.

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (*b*), *amended.*

Signing by agent; non-availability of director.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended.*

Responsibility of underwriter, optionee

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended.*

Balance sheet, reports and statements.

(5) Financial statements of an investment company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior

to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(*a*) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; 1945, c. 22, s. 49 (4), *part*, *amended*.

(*b*) a statement with respect to the portfolio of investments of such company or such company and all its subsidiaries, as the case may be, as at the date of the balance sheet, which statement shall be drawn up so as to distinguish separately at least the following classes of investments and showing as to each class, the aggregate value at which such investments are carried on the books of the company or such company and all its subsidiaries, as the case may be, with the basis thereof and the aggregate market value, where market values are obtainable,

(i) direct and guaranteed securities of the government of the Dominion of Canada,

(ii) direct and guaranteed securities of the government of any province of the Dominion of Canada,

(iii) securities of any municipal corporation in the Dominion of Canada,

(iv) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof,

(v) securities of or guaranteed by the government of any foreign country or state forming a portion of such foreign country,

(vi) mortgages and agreements for sale, and

(vii) other securities, listing each issue separately, and showing for each issue, where applicable, the quantity held, principal amount, maturity date, interest or dividend rate, cost, the valuation on the books with the basis thereof and the market value where the market value is obtainable,

provided that one group of investments not exceeding ten per centum of the aggregate value at which all investments in the portfolio are carried on the books of such company or such company and all its subsidiaries, as the case may be, may be listed in one amount as miscellaneous securities, and such statement shall be reported upon by the auditors of such company, which auditors shall state whether, in their opinion, the statement fairly presents the information it purports to show; *New.*

(*c*) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods; 1945, c. 22, s. 49 (4), *part, amended.*

(*d*) statements of surplus and profit and loss of such company or of such company and all its subsidiaries, as the case may be, pertaining to the last completed financial year and any part of a financial year included in the balance sheet; and 1945, c. 22, s. 49 (4), *part, amended.*

(*e*) in the case of an investment company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities. *New.*

(6) In the case of an investment company which has been carrying on business for less than three years but which, prior Idem.

to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *c* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

Idem.

(7) If the proceeds or any part of the proceeds of the securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *c* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Corrections.

(8) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended.*

New prospectus and statements required after expiration of twelve months.

(9) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART XI.

GENERAL PROVISIONS RELATING TO MINING, INDUSTRIAL, AND INVESTMENT COMPANIES.

Exemptions.

46. Sections 43, 44 and 45 shall not apply to the sale of any securities,—

(*a*) which are mentioned in subsection 2 of section 19;

(*b*) which are listed and posted for trading on any recog-

nized stock exchange where such securities are sold through such stock exchange;

(*c*) which are traded or sold to the public except in the primary distribution to the public thereof; or

(*d*) from one person or company registered for trading in securities under this Act to another person or company registered for trading in securities under this Act where the purchasing person or company is acting as principal. 1945, c. 22, s. 49 (7); 1946, c. 86, s. 6, *amended*.

Doubt as to nature of trade.

47.—(1) Where doubt exists whether any trade proposed or intended to be made in a security would be in the primary distribution to the public of the security, the Commission may, upon the application of any of the parties thereto, determine whether the proposed or intended trade would be in the course of the primary distribution to the public of the security and rule accordingly and such ruling shall be final and there shall be no appeal therefrom.

Doubt as to primary distribution.

(2) Where doubt exists whether a primary distribution to the public of any security,—

(*a*) has been concluded; or

(*b*) is currently in progress,

the Commission may determine the question and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. 1945, c. 22, s. 50.

Previously distributed securities, information re.

48.—(1) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain from the company which is the issuer of such securities, information or material which is necessary for the purpose of complying with section 43, 44 or 45, as the case may be, the Commission may order the company which is the issuer of such securities to furnish to the person or company who or which proposes to make the distribution, such information and material as the Commission deems necessary for the purposes of the distribution upon such terms and subject to such conditions as it deems proper and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Act.

Inability to obtain signatures.

(2) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain any or all of the

 signatures

signatures to the prospectus as required under subsection 1 of section 43, subsection 1 of section 44 or subsection 1 of section 45, as the case may be, or otherwise to comply with section 43, 44 or 45, as the case may be, the Commission may, upon being satisfied that all reasonable efforts have been made to comply with section 43, 44 or 45, as the case may be, and that no person is likely to be prejudicially affected by the failure to comply, make such order, waiving any of the provisions of section 43, 44 or 45, as it deems advisable, upon such terms and subject to such conditions as it deems proper. 1945, c. 22, s. 51, *amended*.

Acceptance; refusal of prospectus, statement or report.

49. The Commission may in its discretion accept for filing any prospectus, financial statement or report or amended prospectus, financial statement or report submitted for filing under section 43, 44 or 45, as the case may be, and direct the registrar to issue a receipt therefor unless it appears to the Commission that,—

(*a*) the prospectus, or any financial statement or report which is required to accompany the prospectus,

(i) fails to comply in any substantial respect with any of the requirements of section 43, 44 or 45, as the case may be, or

(ii) contains any statement, promise or forecast which is misleading, false or deceptive, or

(iii) has the effect of concealing material facts; or

(*b*) an unconscionable consideration has been paid or given or is intended to be paid or given,

(i) for promotional purposes, or

(ii) for the acquisition of property; or

(*c*) the proceeds from the sale of the securities which are to be paid into the treasury of the company, together with other resources of the company, are insufficient to accomplish the objects indicated in the prospectus; or

(*d*) such escrow or pooling agreement as the Commission deems necessary or advisable with respect to securities issued for a consideration other than cash has not been entered into. 1945, c. 22, s. 52, *amended*.

Notice of refusal.

50. Where the Commission decides not to accept for filing a prospectus submitted for filing under section 43, 44 or 45, as

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the case may be, it shall forthwith cause notice of such decision to be served upon the person who or company which has submitted such prospectus for filing. 1945, c. 22, s. 53, *amended.*

Order to cease trading.

51.—(1) Where it appears to the Commission subsequent to the filing of a prospectus or an amended prospectus under section 43, 44 or 45, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 49 exist, it may order that all trading in the primary distribution to the public of the securities to which such prospectus relates, shall cease.

Notice of order.

(2) A notice of every order made under this section shall be served upon the person who or company which filed the prospectus and upon every person or company registered for trading in securities under this Act who or which has notified the Commission of his or its intention to engage in the primary distribution to the public of the securities and forthwith upon the receipt of such notice,—

(*a*) no further trades shall be made in the primary distribution to the public of the securities named in the order by any person or company; and

(*b*) the prospectus or amended prospectus in question shall, for the purposes of this Act, be deemed not to be filed with the Commission and any receipt received therefor shall be deemed to be revoked.

Presumption of receipt.

(3) Where a notice is sent by prepaid mail under subsection 2, it shall be presumed to be received by the person or company to whom it is addressed in the ordinary course of post. 1945, c. 22, s. 54, *amended.*

Delivery of prospectus to purchaser.

52.—(1) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable after having solicited such person to purchase such security shall, before entering into a contract for the sale of such security and before accepting payment or receiving any security under any such contract or in anticipation of making such a contract, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,—

(*a*) a copy of the last financial statements and reports accepted for filing by the Commission, where financial statements and reports are required to be filed; and

(*b*) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed.

Prospectus to be delivered to purchaser of securities.

(2) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable and who has not solicited such person to purchase such security shall, at any time not later than the delivery of the written confirmation of the sale of such security, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,—

(*a*) a copy of the last financial statements and reports accepted for filing by the Commission, where such financial statements and reports are required to be filed; and

(*b*) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed. 1945, c. 22, s. 55, *amended*.

When section not applicable.

(3) This section shall not be applicable to,—

(*a*) a trade through a person or company registered for trading in securities under this Act who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or

(*b*) a sale by a person who is not engaged in the primary distribution to the public of the security. 1946, c. 86, s. 7, *amended*.

Rescission of contract.

53.—(1) A person who has entered into a contract to which section 52 applies shall be entitled to rescission of the contract where,—

(*a*) section 52 has not been complied with;

(*b*) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within,

(i) seven days of the date of the delivery of a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial

statements and reports and summary of report, where required, provided that the date of such delivery is within sixty days of the date of the delivery of the written confirmation of the sale of the security, or

(ii) sixty days of the date of the delivery of the written confirmation of the sale of the security provided that at the time such notice of exercising the right of rescission is served, a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial statements and reports and summary of report, where required, have not been delivered; and

(*c*) the purchaser is still the owner of the security.

Onus.

(2) In an action for rescission to which this section applies, the onus of proving compliance with section 52 shall be upon the person or company registered for trading in securities under this Act.

Period of limitation.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 56, *amended*.

PART XII.

PROVISIONS RELATING TO TRADING IN SECURITIES GENERALLY.

Term of contract declared unreasonable.

54. No term in a contract between a person or company registered for trading in securities under this Act who acts as an agent, and a customer relating to any right of such person or company registered for trading in securities under this Act in respect of any security, shall be binding upon the customer where the Commission has declared such right to be unreasonable by notice in writing sent by registered mail to such person or company registered for trading in securities under this Act and to every stock exchange operating in Ontario, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario. 1945, c. 22, s. 57, *amended*.

Confirmation to customers.

55. Every broker who has acted as agent for a customer in the purchase or sale of a security upon a stock exchange shall promptly send or deliver to the customer a written confirmation of the transaction setting forth,—

(*a*) the quantity and description of the security;

(*b*) the consideration;

(*c*) the name of the person or company from or to or through whom the security was bought or sold;

(*d*) the day, and the name of the stock exchange, upon which the transaction took place; and

(*e*) the commission charged in respect of such purchase or sale. 1945, c. 22, s. 58.

Confirmation of unlisted trades.

56. Every person or company registered for trading in securities under this Act who has acted either as principal or agent in connection with any trade in a security other than a trade upon a stock exchange shall promptly send to each customer a written confirmation of the transaction setting forth,—

(*a*) the quantity and description of the security;

(*b*) the consideration;

(*c*) whether or not the person or company registered for trading in securities under this Act is acting as principal or agent;

(*d*) the commission, if any, charged in respect of such purchase or sale;

(*e*) the name of the salesman, if any, in the transaction; and

(*f*) the day upon which the transaction took place. 1945, c. 22, s. 59, *amended*.

Calling at or telephoning residence.

57.—(1) No person shall,—

(*a*) call at any residence; or

(*b*) telephone from within Ontario to any residence within or outside of Ontario,

for the purpose of trading in any security with any member of the public. 1945, c. 22, s. 60 (1).

Exceptions.

(2) Subsection 1 shall not apply,—

(*a*) where the person calls at or telephones to the residence,

(i) of a close personal friend, a business associate or a customer with whom or on whose behalf the person calling or telephoning has been in the habit of trading in securities, or

(ii) of a person who has requested in writing that information respecting a specific security be furnished him by the person so calling or telephoning, but in such case the person so calling or telephoning shall call or telephone only in reference to that security; or

(*b*) to a trade or trades in any securities in respect of which registration is not required under this Act. 1945, c. 22, s. 60 (2); 1946, c. 86, s. 8, *amended*.

"Residence", meaning of

(3) In this section "residence" shall include any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto. 1945, c. 22, s. 60 (3).

Prohibition of representations.

58.—(1) No person or company, with the intention of effecting a trade in a security, shall make any representation, written or oral, that he or it or any person or company,—

(*a*) will resell or repurchase; or

(*b*) will refund all or any of the purchase price of,

any security in which he or it is trading. 1945, c. 22, s. 61 (1), *part*, *amended*.

Promises.

(2) No person or company, with the intention of effecting a trade in a security, shall give any undertaking, written or oral, relating to the future value or price of such security. 1945, c. 22, s. 61 (2), *amended*.

Representation that security will be listed on stock exchange.

(3) No person or company, with the intention of effecting a trade in a security, shall, except with the written permission of the Commission, make any representation, written or oral, that such security will be listed on any stock exchange or that application has or will be made to list such security upon any stock exchange. 1945, c. 22, s. 61 (1), *part*, *amended*.

Notice where acting as principal.

59.—(1) Where a person or company registered for trading in securities under this Act,—

(*a*) with the intention of effecting a trade in a security,

(i) issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, or

(ii) makes an oral offer or invitation for an offer to any person; and

(*b*) proposes to act in such trade as a principal,

such person or company shall so indicate in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any contract for the sale or purchase of any security mentioned in clause *a*.

(2) A statement made in compliance with subsection 1 that a person or company registered for trading in securities under this Act proposes to act as a principal in connection with a trade in a security shall not prevent such person or company from acting as an agent in connection with a trade in such security. 1945, c. 22, s. 62, *amended*.

Rescission of contract.

60.—(1) A person who has entered into a contract to which section 59 applies shall be entitled to rescission of the contract where,—

(*a*) section 59 has not been complied with; and

(*b*) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be; and

(*c*) in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

(2) In an action for rescission to which this section applies the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act. 1945, c. 22, s. 63 (1, 2), *amended*.

Period of limitation.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 63 (3).

Investment counsel's financial interest.

61. Every registered investment counsel shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest which he may have either

directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,—

(*a*) any ownership, beneficial or otherwise, which he may have in such securities or in any securities issued by the same company;

(*b*) any option which he may have in respect of such securities, and the terms thereof;

(*c*) any commission or other remuneration which he has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;

(*d*) any financial arrangement which he may have with any person or company registered for trading in securities under this Act relating to such securities; and

(*e*) any financial arrangement which he may have with any underwriter or other person who has any interest in the securities. 1945, c. 22, s. 64, *amended.*

Publication of names.

62. Every partnership or company registered for trading in securities under this Act shall publish the name of every person having an interest, either directly or indirectly, to the extent of not less than ten per centum in the capital of the partnership or company, as the case may be, on all letterheads, circulars and other stationery upon which the name of the partnership or company appears and which contain any offer or solicitation respecting a trade in securities. 1945, c. 22, s. 65, *amended.*

Use of name of another registered person or company.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of the other person or company registered under this Act. 1945, c. 22, s. 66, *amended.*

Registration not to be advertised.

64. No person or company shall hold himself or itself out as being registered under this Act by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he or it is so registered. 1945, c. 22, s. 68, *amended.*

Holding out by unregistered persons.

65. No person or company who is not registered under this Act shall, either directly or indirectly, hold himself or itself out as being so registered. 1945, c. 22, s. 69, *amended.*

Advertising Commission's approval.

66. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any person or company registered under this Act or upon the merits of any security. 1945, c. 22, s. 70, *amended*.

Margin contracts.

67.—(1) Where a person, or a member or employee of a partnership, or a director, officer or employee of a company after he, or the partnership or company has contracted as a person or company registered for trading in securities under this Act, with any customer to buy and carry upon margin any securities of any person or company either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same person or company for any account in which,—

(*a*) he;

(*b*) his firm or a partner thereof; or

(*c*) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the person or company registered for trading in securities under this Act or under his or its control in the ordinary course of business below the amount of such securities which he or it should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the person or company registered for trading in securities under this Act, all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise of option.

(2) The customer may exercise such option by a registered letter to that effect addressed to the person or company registered for trading in securities under this Act, at his or its address for service in Ontario. 1945, c. 22, s. 73, *amended*.

PART XIII.

OFFENCES AND PENALTIES.

Penalties.

68.—(1) Every person, including any officer, director, official or employee of a company, who is knowingly responsible for,—

(*a*) any fictitious or pretended trade in any security;

(*b*) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any security as to the nature of any transaction or as to the value of such security;

(*c*) the making of any material false statement in any application, information, statement, material or evidence submitted or given to the Commission, its representative, the registrar or any person appointed to make an investigation or audit under this Act, under the provisions of this Act or the regulations;

(*d*) the furnishing of false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;

(*e*) the commission of any act or failure to perform any act where such commission or failure constitutes a violation of any provision of this Act or the regulations; or

(*f*) failure to observe or comply with any order, direction or other requirement made under this Act or the regulations,

shall be liable to a penalty of not more than $2,000 or to imprisonment for a term not exceeding one year or both. 1945, c. 22, s. 74 (1), *amended*.

Companies.

(2) The provisions of subsection 1 shall be deemed to apply, *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding $25,000. 1945, c. 22, s. 74 (2).

Consent before action.

69.—(1) No proceedings under section 68 shall be instituted except with the consent or under the direction of the Attorney General.

Time for commencement of action.

(2) No proceedings under section 68 shall be commenced more than six months after the facts upon which the proceedings are based first came to the knowledge of the Commission. 1945, c. 22, s. 75.

Recovery of penalties. Rev. Stat., c. 136.

70. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1945, c. 22, s. 76.

PART XIV.

GENERAL PROVISIONS.

Stock exchanges.

71. No person or company shall carry on business as a stock exchange without the consent in writing of the Commission. 1945, c. 22, s. 31.

Record.

72. Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which such transaction took place and verification or otherwise of the matters set forth in such confirmation. 1945, c. 22, s. 32.

Liability of directors, promoters, etc., for untrue statements in prospectus.

73.—(1) Where a prospectus has been accepted for filing by the Commission under the provisions of this Act, every purchaser of the securities to which the prospectus relates shall be deemed to have relied upon the representations made in the prospectus whether the purchaser has received the prospectus or not and, if any material false statement is contained in the prospectus, every person who is a director of the company issuing the securities at the time of the issue of the prospectus, and every person who, having authorized such naming of him, is named in the prospectus as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, shall be liable to pay compensation to all persons who have purchased the securities for any loss or damage such persons may have sustained, unless it is proved that,—

(*a*) having consented to become a director of the company, he withdrew his consent before the issue of the prospectus, and that the prospectus was issued without his authority or consent; or

(*b*) the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or

(*c*) after the issue of the prospectus and before a sale of the securities, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or

(*d*) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable grounds to believe and did up to the time of the sale of the securities, believe that the statement was true; or

(*e*) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable grounds to believe that the person making the statement, report or valuation was competent to make it; or

(*f*) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

"Prospectus", defined.

(2) In this section "prospectus" shall include every statement and report and summary of report required to be filed with the prospectus under this Act. *New.*

No action, etc., against persons administering Act.

74. Except with the consent of the Attorney General no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted,—

(*a*) against any person whether in his public or private capacity, or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is a member of the Commission, a representative of the Commission or the registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney General made under the provisions of this Act; or

(*b*) against any exchange auditor, district association auditor, or association auditor employed under the provisions of clause *b* of section 38 in respect of the

performance of his duties as such. 1945, c. 22, s. 77, *amended.*

Regulations.

75. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing requirements respecting applicants for registration;

(*b*) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;

(*c*) regulating the listing and trading of securities and records relating thereto;

(*d*) governing the furnishing of information by any person or company registered under this Act to the public in connection with securities or trades therein;

(*e*) governing the keeping of accounts and records and the preparation and filing of financial statements of the affairs of security issuers;

(*f*) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel;

(*g*) prescribing the fees payable to the Commission, including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;

(*h*) prescribing the amount and form of bonds to be furnished to the Commission by applicants for registration;

(*i*) prescribing the form, contents and other particulars relating to statements, agreements and other information required to be filed, furnished or delivered under this Act and the regulations;

(*j*) prescribing the practice and procedure upon investigations under sections 26 and 28;

(*k*) prescribing the forms for use under this Act and the regulations;

(*l*) prescribing trades or securities, in addition to the trades and securities mentioned in section 19, in respect of which registration shall not be required;

(*m*) prescribing trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration;

(*n*) prescribing terms and conditions which shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash; and

(*o*) generally for the better carrying out of the provisions of this Act and for the more efficient administration thereof. 1945, c. 22, s. 78; 1946, c. 86, s. 9, *amended*.

Certificate as evidence.

76. A statement as to,—

(*a*) the registration or non-registration of any person or company;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Commission; or

(*c*) any other matter pertaining to such registration, non-registration, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commission or a member thereof or by the registrar shall, without proof of the office or signature of the person certifying, be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. 1945, c. 22, s. 79.

Execution of warrant issued in another province.

77.—(1) Where a magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of this Act or any similar statute of that province, any magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdication of the magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to re-arrest such person anywhere in Ontario.

Prisoner in transit.

(2) Any constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed

in

in pursuance of subsection 1 shall be entitled to hold, take and re-arrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. 1945, c. 22, s. 80.

Expenses.

Rev. Stat., c. 24.

78. Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney General, were enacted in and formed part of this Act. 1945, c. 22, s. 81.

Present registration continued in force.

1945, c. 22.

79. Every registration in force under *The Securities Act, 1945*, at the date of the coming into force of this Act shall, subject to the provisions of this Act, continue in force as a registration under this Act. 1945, c. 22, s. 82; 1946, c. 86, s. 10, *amended*.

1945, c. 22; 1946, c. 86; 1945, c. 16, repealed.

80. *The Securities Act, 1945*, *The Securities Amendment Act, 1946*, and *The Prospecting Syndicate Agreements Act, 1945*, are repealed.

Commencement of Act.

81. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

82. This Act may be cited as *The Securities Act, 1947*.

CHAPTER 99.

An Act to amend The Stallion Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Stallion Act* is amended by striking out the words "Director of the Live Stock Branch" in the third line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows: Rev. Stat., c. 339, s. 1, subs. 1, amended.

(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may appoint four persons who, with the Live Stock Commissioner of the Department of Agriculture, shall constitute the Stallion Enrolment Board, hereinafter called "the Board". Stallion Enrolment Board.

(2) Subsection 2 of the said section 1 is amended by striking out the words "Director of the Live Stock Branch" in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows: Rev. Stat., c. 339, s. 1, subs. 2, amended.

(2) The Live Stock Commissioner of the Department of Agriculture shall be the secretary and executive officer of the Board. Secretary and executive officer.

2. This Act may be cited as *The Stallion Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 100.

An Act to amend The Statute Labour Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 30*c* of *The Statute Labour Act*, as enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is amended by inserting after the word, figure and symbols "(Form 4)" in the second line the words "or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A)", so that the said subsection shall now read as follows: Rev. Stat., c. 274, s. 30*c*, subs. 1 (1945, c. 23, s. 12), amended.

(1) The secretary-treasurer shall serve each notice to perform statute labour (Form 4) or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A) personally or by leaving it at the usual place of abode of the person to whom it is directed with a grown-up person residing there or sending it by registered post addressed to the person to whom it is directed at the post office nearest to his last known place of residence. Notice to perform statute labour.

2. *The Statute Labour Act* is amended by adding thereto the following form: Rev. Stat., c. 274, amended.

FORM 4A

(*Section 30c (1)*)

NOTICE TO PAY THE COMMUTATION OF STATUTE LABOUR

To.....

TAKE NOTICE that you are hereby required to pay to the undersigned the amount of $..... being the commutation of.....days statute labour at $..... per day for which you are liable on (*describe the lot or parcel of land*) within six days from the date of this notice.

Should you fail to pay this amount proceedings will be taken to collect it together with interest at ten per centum per annum. You will also be liable to a penalty recoverable under *The Summary Convictions Act.*

DATED at.....this.....day of

....., 19.....

.....
Secretary-Treasurer.

Road Commissioners of the Township of.....

Address.....

Short title

3. This Act may be cited as *The Statute Labour Amendment Act, 1947.*

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 101.

The Statute Law Amendment Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Apprenticeship Act*, as enacted by section 5 of *The Apprenticeship Amendment Act, 1946*, is amended by striking out the word "member" where it occurs the first time in the first line and inserting in lieu thereof the word "person", so that the said section shall now read as follows: Rev. Stat., c. 192, s. 23 (1946, c. 2, s. 5), amended.

23. Where a person has served as a member of any of the forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary. Members of the forces.

2. Subsection 2 of section 14 of *The Beach Protection Act, 1946*, is amended by striking out the word "land" in the third line and inserting in lieu thereof the word "sand", so that the said subsection shall now read as follows: 1946, c. 5, s. 14, subs. 2, amended.

(2) The amount to be charged per yard shall be fixed by the Minister according to the location, type, availability and accessibility of such sand. Amount of royalty.

3. *The Colonization Roads Act* is repealed. Rev. Stat., c. 35, repealed.

4. Section 4 of *The Commercial Vehicle Act* is amended by adding thereto the following subsections: Rev. Stat., c. 290, s. 4, amended.

(3) The Department may refer any application for the transfer of a license to the Board. Application may be referred to Board.

(4) The Department may at any time refer a license to the Board with a recommendation that the terms and conditions of the license should be altered. Department may recommend alteration.

Order of Board.

(5) On a reference under subsection 3 or 4 the Board shall hold a hearing and make such order as it deems just.

Rev. Stat., c. 121, s. 15, amended.

5. Section 15 of *The Commissioners for taking Affidavits Act* is amended by inserting after the word "Governor" in the first line the words "in Council", so that the said section shall now read as follows:

Regulations.

15. The Lieutenant-Governor in Council may make regulations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act.

1946, c. 11, s. 24, re-enacted.

6. Section 24 of *The Conservation Authorities Act, 1946*, is repealed and the following substituted therefor:

Future drainage construction.

24. Any construction, within the meaning of *The Municipal Drainage Act*, undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority, but nothing herein contained shall in any way limit or abridge the powers and duties conferred or imposed upon a municipality by sections 71 to 78 of *The Municipal Drainage Act*.

Rev. Stat., c. 278.

Rev. Stat., c. 163, s. 12, subs. 1, amended.

7.—(1) Subsection 1 of section 12 of *The Devolution of Estates Act* is amended by striking out the word "of" in the sixteenth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Vesting of real estate not disposed of within three years.

(1) Real property not disposed of, conveyed to, divided or distributed among the persons beneficially entitled thereto, under the provisions of section 20, by the personal representative within three years after death of the deceased shall, subject to *The Land Titles Act* in the case of land registered under that Act, and subject to subsections 6 and 7 of section 56 of *The Registry Act*, and subject as hereinafter provided, at the expiration of that period, whether probate or letters of administration have or have not been taken, be thenceforward vested in the persons beneficially entitled thereto under the will or upon the intestacy or their assigns without any conveyance by the personal representative unless such personal representative, if any, has registered, in the proper registry or land titles office, a caution (Form 1) under his hand, and if such caution is so registered such real property or the part thereof mentioned therein shall not be so vested for three years from the time of registration of such caution or of the last caution if more than one are registered.

Rev. Stat., cc. 174, 170.

(2) Subsection 3 of the said section 12 is amended by striking out the word "specified" in the first line and inserting in lieu thereof the word "specifies", so that the said subsection shall now read as follows: Rev. Stat., c. 163, s. 12, subs. 3, amended.

(3) Where the caution specifies certain parcels of land it shall be effectual as to those parcels only. Effect.

8. Section 8 of *The Factors Act* is amended by adding at the commencement thereof the words "Subject to the provisions of *The Warehouse Receipts Act, 1946*," so that the said section shall now read as follows: Rev. Stat., c. 185, s. 8, amended.

8. Subject to the provisions of *The Warehouse Receipts Act, 1946*, for the purposes of this Act the transfer of a document of title may be by endorsement, or where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery. Mode of transferring documents. Idem, s. 11, 1946, c. 107.

9. Subsections 1, 2 and 3 of section 17 of *The Forest Fires Prevention Act* are repealed. Rev. Stat., c. 325, s. 17, subss. 1, 2, 3, repealed.

10. Section 16 of *The Interpretation Act* is amended by inserting after the word "of" in the second line the word "re-enactment", so that the said section, exclusive of the clauses, shall now read as follows: Rev. Stat., c. 1, s. 16, amended.

16. Where any Act or enactment is repealed and other provisions are substituted by way of re-enactment, amendment, revision or consolidation, Re-enactment, consolidation or revision.

. . . . . .

11. Clause *f* of subsection 2 of section 106 of *The Judicature Act* is amended by striking out the words "in Chambers" in the first line and inserting in lieu thereof the words "of the Supreme Court", so that the said clause, exclusive of the subclauses, shall now read as follows: Rev. Stat., c. 100, s. 106, subs. 2, cl. *f*, amended.

(*f*) empowering the Master of the Supreme Court, or any officer sitting for him, or the local judges, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as are or may be done, transacted, or exercised by a judge of the Supreme Court, in court, upon motions for judgment in undefended actions, for the appointment of receivers by way of equitable execution and for *ex parte* injunctions and upon motions in chambers or as shall be specified in the rules except in respect to matters relating to,

. . . . . .

Rev. Stat., c. 174, s. 112, re-enacted.

12. Section 112 of *The Land Titles Act*, as amended by section 15 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Where 1946, c. 71 applies.

112. No plan of survey or subdivision to which *The Planning Act, 1946*, applies shall be registered unless approved under that Act.

Rev. Stat., c. 178, s. 1, cl. *c*, amended.

13.—(1) Clause *c* of section 1 of *The Mercantile Law Amendment Act* is amended by striking out the word "and" at the end of subclause ii, by inserting the word "and" at the end of subclause iii, and by adding thereto the following subclause:

1946, c. 107.

(iv) a warehouse receipt as defined by *The Warehouse Receipts Act, 1946*.

Rev. Stat., c. 178, s. 8, re-enacted.

(2) Section 8 of *The Mercantile Law Amendment Act* is repealed and the following substituted therefor:

Assignment of warehouse receipts, etc. as collateral security.

1946, c. 107.

8.—(1) Subject to the provisions of *The Warehouse Receipts Act, 1946*, as to the negotiation of, and the transfer of the goods covered by, a warehouse receipt as defined therein, the owner of or other person entitled to receive the goods included in a warehouse receipt or bill of lading may transfer such warehouse receipt or bill of lading by endorsement thereon signed by himself, his attorney or agent to any other person as collateral security for any debt owing by him.

What passes.

(2) The endorsement or transfer shall from the date thereof vest in the transferee all the right or title of the transferor to or in such goods subject to the right of the transferor to have such goods, warehouse receipt or bill of lading re-transferred to him if the debt is paid when due.

Rights of transferee.

(3) If the debt is not paid when due the person to whom such goods, warehouse receipt or bill of lading was so transferred may sell the goods and after satisfying any lien against the goods may retain the proceeds or so much thereof as may be equal to the amount of the debt and shall return the overplus, if any, to the transferor.

Rev. Stat., c. 190, amended.

14. *The Minimum Wage Act* is amended by adding thereto the following section:

Handicapped employee.

4. The Board, without order, may grant written permission to an employer to pay to any employee who is handicapped a wage fixed by it lower than the minimum wage.

15. Clause *b* of subsection 2 of section 8 of *The Partnership Registration Act*, as re-enacted by section 2 of *The Partnership Registration Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 8, subs. 2, cl. *b* (1941, c. 41, s. 2) re-enacted.

(*b*) the name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him.

16. Section 43 of *The Quieting Titles Act* is amended by striking out the words "in Chambers" in the fourth line and inserting in lieu thereof the words "of the Supreme Court", so that the said section shall now read as follows: Rev. Stat., c. 169, s. 43, amended.

43. The Inspector of Titles, the Referee of Titles and every local referee of titles in respect of the petition and the proceedings thereunder shall have the like powers as the Master of the Supreme Court. Powers of Inspector and referees.

17.—(1) Subsection 14 of section 83 of *The Registry Act*, as amended by section 23 of *The Statute Law Amendment Act, 1940*, is repealed. Rev. Stat., c. 170, s. 83, subs. 14, repealed.

(2) Subsection 15 of the said section 83 is repealed. Rev. Stat., c. 170, s. 83, subs. 15, repealed.

(3) Subsection 20 of the said section 83 is repealed and the following substituted therefor: Rev. Stat., c. 170, s. 83, subs. 20, re-enacted.

(20) No plan of survey or subdivision to which *The Planning Act, 1946*, applies shall be registered unless approved under that Act. Where 1946, c. 71, applies.

18. Clause *a* of section 2 of *The Trees Conservation Act, 1946*, is repealed and the following substituted therefor: 1946, c. 102, s. 2, cl. *a*, re-enacted.

(*a*) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use.

19.—(1) Subsection 7 of section 36 of *The Trustee Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows: Rev. Stat., c. 165, s. 36, subs. 7, amended.

(7) A certified copy of the order of removal shall be filed with the Registrar of the Supreme Court, and another copy with the registrar of the surrogate court by which probate or administration was granted, and such officers shall, at or upon the entry of the grant in the registers of their respective offices, make Copy of order to be filed with Registrar of the Supreme Court.

in red ink a short note giving the date and effect of the order, and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Rev. Stat., c. 165, s. 36, subs. 8, amended.

(2) Subsection 8 of the said section 36 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Endorsement.

(8) The date of the grant shall be endorsed on the copy of the order filed with the Registrar of the Supreme Court.

Rev. Stat., c. 375, s. 2, amended.

20.—(1) Section 2 of *The Veterinary College Act* is amended by striking out all the words after the word "successful" in the fifth line and inserting in lieu thereof the words "training for the veterinary profession", so that the said section shall now read as follows:

Appliances and equipment of College.

2. The College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful training for the veterinary profession.

Rev. Stat., c. 375, s. 6, amended.

(2) Section 6 of *The Veterinary College Act* is amended by striking out the letters "B.V.Sc." in the fifth line and inserting in lieu thereof the words "Doctor of Veterinary Medicine", and by striking out the words "Bachelor of Veterinary Science" in the seventh line and inserting in lieu thereof the words "Doctor of Veterinary Medicine (Veterinary Surgeon)", so that the said section shall now read as follows:

Qualifications for degree of Doctor of Veterinary Medicine.

6. Every student shall, upon the successful completion of the course of study, and upon passing the prescribed examinations, and upon satisfactory compliance with the rules and regulations of the College, be granted a diploma by the University of Toronto, conferring the title and degree "Doctor of Veterinary Medicine," the possession of which shall admit him to all the privileges, rights and standing of a Doctor of Veterinary Medicine (Veterinary Surgeon).

Commencement of Acts.

Rev. Stat., c. 2.

21.—(1) Notwithstanding section 4 of *The Statutes Act*, every general or special Act passed at this session of this Legislature and assented to on or before the 3rd day of April, 1947, shall, unless it is otherwise provided in the Act, come into force on the 1st day of June, 1947.

(2) Notwithstanding subsection 1, the Acts passed at this session of this Legislature entitled *An Act respecting the Control of Warble-fly* and *An Act to amend The Tourist Camp Regulation Act, 1946*, shall come into force on the day upon which this Act receives the Royal Assent. Exceptions.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent. Commencement of section.

22. This Act, except section 21, shall come into force on the 1st day of June, 1947. Commencement of Act.

23. This Act may be cited as *The Statute Law Amendment Act, 1947*. Short title.

(NOTE: See also *The Statute Law Amendment Act, 1947* (*No. 2*), which appears as chapter 102 of this volume.)

CHAPTER 102.

The Statute Law Amendment Act, 1947 (No. 2).

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Factory, Shop and Office Building Act* is repealed. Rev. Stat., c. 194, s. 28, repealed.

2.—(1) Section 9 of *The Fire Marshals Act*, as amended by section 2 of *The Fire Marshals Amendment Act, 1938*, is further amended by adding thereto the following subsection: Rev. Stat., c. 329, s. 9, amended.

(5) The chief of the fire department of a municipality shall have the same powers and duties with respect to any buildings or premises outside the territorial limits of the municipality as if the buildings or premises were situate within the municipality where,— Powers of chief outside municipality.

(*a*) such buildings or premises are owned or used by the municipality; or

(*b*) the municipality has undertaken to provide fire protection for such buildings or premises.

(2) *The Fire Marshals Act* is amended by adding thereto the following section: Rev. Stat., c. 329, amended.

23*a*. The Lieutenant-Governor in Council may make regulations,— Regulations.

(*a*) prescribing the methods of fire prevention to be used in any class of premises or premises used for any specified purpose;

(*b*) prescribing the types, location and testing of fire-fighting apparatus, equipment and devices and fire alarm systems to be used in any class of premises or premises used for any specified purpose;

Rev. Stat., c. 332.

(*c*) regulating, subject to *The Gasoline Handling Act*, the manner and method of handling and storing inflammable liquids or gases in any class of premises or premises used for any specified purpose;

(*d*) prescribing the forms, records and returns to be used, kept and made by fire chiefs in respect of their inspections of any class of premises or premises used for any specified purpose; and

(*e*) generally for the better carrying out of the provisions of this Act.

Rev. Stat., c. 89, s. 2, cl. *a*, repealed.

3. Clause *a* of section 2 of *The King's Printer Act* is repealed.

Rev. Stat., c. 174, s. 55, subs. 3, amended.

4. Subsection 3 of section 55 of *The Land Titles Act* is amended by striking out the word "five" in the first line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Fee for making list.

(3) A fee of ten cents shall be payable with respect to every conveyance entered in the list.

Rev. Stat., c. 200, s. 19, subs. 2, amended.

5.—(1) Subsection 2 of section 19 of *The Mechanics' Lien Act* is amended by striking out the word "twenty-five" in the second line and inserting in lieu thereof the word "fifty", and by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the said subsection shall now read as follows:

Fee for registration.

(2) The fee for registration of a claim for lien shall be fifty cents, and if several persons join in one claim the registrar shall be entitled to a further fee of twenty cents for each person after the first.

Rev. Stat., c. 200, s. 29, subs. 1, amended.

(2) Subsection 1 of section 29 of *The Mechanics' Lien Act* is amended by striking out the words "proper office" in the second line and inserting in lieu thereof the words "office of the local registrar of the Supreme Court in the county or district in which the land is situate", so that the said subsection shall now read as follows:

Mode of realizing lien.

(1) A lien shall be enforced in the Supreme Court in an action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

(3) Subsection 1 of section 31 of *The Mechanics' Lien Act* is repealed and the following substituted therefor: Rev. Stat., c. 200, s. 31, subs. 1, re-enacted.

(1) The action shall be tried in the county or district in which the land is situate before a judge of the county or district court, provided that where the land is situate in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master. Trial to be where land situate.

6.—(1) Subsection 2 of section 10 of *The Partnership Registration Act* is amended by striking out the words "fifty cents" in the third line and inserting in lieu thereof the symbol and figure "$1", so that the said subsection shall now read as follows: Rev. Stat., c. 189, s. 10, subs. 2, amended.

(2) For filing and entering each declaration the registrar shall be entitled to receive from the person filing the same $1, if it does not contain more than two hundred words, and at the rate of ten cents per hundred words for all above the number of two hundred. Registrar's fee for filing.

(2) Subsection 6 of the said section 10 is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty-five", and by adding at the end thereof the words "For each certificate on a duplicate when required—fifty cents", so that the said subsection shall now read as follows: Rev. Stat., c. 189, s. 10, subs. 6, amended.

(6) The registrar shall be entitled for searches to the following fees and no more: Registrar's fees for certain services.

For searching in Firm Index—each firm twenty-five cents;
For searching in Individual Index—each name ten cents;
For each certificate when required—twenty-five cents;
For each certificate on a duplicate when required—fifty cents.

7.—(1) Section 14 of *The Police Act, 1946*, as amended by subsection 1 of section 6 of *The Police Amendment Act, 1947*, is repealed and the following substituted therefor: 1946, c. 72, s. 14, re-enacted

14. Subject to the approval of the Lieutenant-Governor in Council, the board may by by-law make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. Regulations by board.

1946, c. 72, s. 22, re-enacted.

(2) Section 22 of *The Police Act, 1946*, is repealed and the following substituted therefor:

Cost of policing by levy.

22.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 38 or 39 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption of farm lands and buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost.

Commencement of section.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Effective date of subss. 1, 2.

(4) Subsection 1 shall be deemed to have had effect on and after the 1st day of June, 1947, and subsection 2 shall be deemed to have had effect on and after the 1st day of January, 1947.

Rev. Stat., c. 16, s. 4, amended.

8. Section 4 of *The Public Officers Act*, as amended by section 28 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the form of oath and inserting in lieu thereof the following:

"I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the reigning sovereign for the time being*), his heirs and successors according to law. So help me God."

so that the said section shall now read as follows:

Oaths of allegiance and office.

4. It shall not be necessary for any person appointed to any office in Ontario or for any person admitted, called or received as a barrister, notary public, or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

"I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the reigning sovereign for the time being*), his heirs and successors according to law. So help me God."

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

1944, c. 52, s. 1, cl. *e*, re-enacted.

9.—(1) Clause *e* of section 1 of *The Regulations Act, 1944*, is repealed and the following substituted therefor:

(*e*) "regulation" shall mean any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include, "regulation".

(i) a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*, or Rev. Stat., c. 59.

(ii) an order of the Ontario Municipal Board other than an order prescribing rules governing proceedings before the Board.

(2) Subsection 1 of section 2 of *The Regulations Act, 1944*, is amended by adding at the end thereof the words "provided that in the case of a regulation made by a Minister which does not require approval, no certificate shall be required", so that the said subsection shall now read as follows: 1944, c. 52, s. 2, subs. 1, amended.

(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof, provided that in the case of a regulation made by a Minister which does not require approval, no certificate shall be required. Filing required.

(3) Section 5 of *The Regulations Act, 1944*, is amended by adding thereto the following subsection: 1944, c. 52, s. 5, amended.

(2) The Registrar may issue a certificate as to the filing of any regulation and every such certificate shall be *prima facie* evidence of the facts stated therein without any proof of appointment or signature. Certificate of Registrar.

(4) This section shall come into force on the day upon which this Act receives the Royal Assent and subsection 1 shall be deemed to have had effect on and after the 1st day of July, 1944, and the filing of any regulation which by subsection 1 is exempted from *The Regulations Act, 1944*, is vacated. Commencement of section. 1944, c. 52.

10. This Act may be cited as *The Statute Law Amendment Act, 1947 (No. 2)*. Short title.

CHAPTER 103.

The Sugar Beet Subsidy Act, 1947.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1943, c. 30, continued in force. 1944, c. 60; 1945 (2nd Sess.), c. 15; 1946, c. 91.

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet Subsidy Act, 1944*, *The Sugar Beet Subsidy Act, 1945*, or *The Sugar Beet Subsidy Act, 1946*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1948.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1947.

Short title.

3. This Act may be cited as *The Sugar Beet Subsidy Act, 1947*.

CHAPTER 104.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1948.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS it appears by message from the Honourable Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1948, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$127,491,785.55 granted for fiscal year 1947-48.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole one hundred and twenty-seven million, four hundred and ninety-one thousand, seven hundred and eighty-five dollars and fifty-five cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1947, to the 31st day of March, 1948, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounts to be laid before Assembly

2. Accounts in detail of all moneys received on account of this Province during the financial year 1947-48 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1948.

Appropriations for 1947-48 unexpended to lapse.

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1948, shall not be

expended

expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat., c. 24.

Accounting for expenditure.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1947*.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-eight to defray expenses of:

Agriculture Department	$ 5,097,006.00
Attorney-General's Department	5,211,000.00
Education Department	35,938,900.00
Health Department	18,472,580.00
Highways Department	1,864,300.00
Labour Department	2,234,593.55
Lands and Forests Department	7,192,000.00
Lieutenant-Governor's Office	11,000.00
Mines Department	754,935.00
Municipal Affairs Department	568,369.00
Planning and Development Department	328,000.00
Prime Minister's Department	47,450.00
Provincial Auditor's Office	155,500.00
Provincial Secretary's Department	1,169,390.00
Provincial Treasurer's Department	5,738,645.00
Public Welfare Department	28,676,417.00
Public Works Department	9,792,100.00
Reform Institutions Department	3,812,600.00
Travel and Publicity Department	327,000.00
Miscellaneous	100,000.00
Total estimates for expenditure of 1947-1948	$127,491,785.55

CHAPTER 105.

An Act to amend The Surrogate Courts Act.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 65 of *The Surrogate Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 65, subs. 3, re-enacted.

(3) Where the claim is within the jurisdiction of the division court, an application for the extension of time referred to in subsection 2 and the application for the order shall be made to a judge of a division court in which an action for the recovery of the claim might be brought, and the application for the order shall be heard by the judge at the sittings of such court, but where the claimant and the personal representative consent, the applications may be made to the judge of the surrogate court. Claim within jurisdiction of division court.

2. Section 65*a* of *The Surrogate Courts Act*, as enacted by section 12 of *The Surrogate Courts Amendment Act, 1946*, is amended by adding thereto the following subsections: Rev. Stat., c. 106, s. 65*a* (1946, c. 93, s. 12), amended.

(2*a*) Not less than seven days' notice of the application shall be given to the personal representative and to the Official Guardian if infants are concerned, and to such, if any, of the persons beneficially interested in the estate as the judge may direct. Notice in such cases.

. . . . . .

(7) If the personal representative does not appeal from an order made under subsection 2 or 3, the Official Guardian or any person beneficially interested in the estate may, by leave of a judge of the Supreme Court, appeal therefrom. Right of persons interested to appeal.

(8) Where the claimant or the personal representative appeals from an order made under subsection 2 or 3, the Right of persons interested to be heard on appeal.

the Official Guardian and any person beneficially interested in the estate may, by leave of the court which hears the appeal, appear and be heard.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Surrogate Courts Amendment Act, 1947*.

CHAPTER 106.

An Act to amend The Surveys Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surveys Act* is amended by adding thereto the following section: Rev. Stat., c. 232, amended.

18*a*.—(1) Where any survey performed in accordance with sections 10 and 11 has become wholly or partially obliterated, and in the opinion of the Minister it is in the public interest that the lines be re-established, the Minister may direct a re-survey to be made for such purpose and the lines to be marked by monuments of stone or other durable material, and upon such direction being made the provisions of subsection 1 of section 17 shall, *mutatis mutandis*, apply. Re-survey on order of Minister.

(2) Where a similar re-survey has heretofore been made under the instructions of the Minister, the Minister may, upon compliance with the conditions as to publication of notice and holding a hearing set forth in subsection 1 of section 17, confirm the re-survey, and such confirmation shall have the like force and effect as a confirmation made under the said subsection. Confirmation of re-surveys already made.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Surveys Amendment Act, 1947*. Short title.

CHAPTER 107.

An Act to amend The Teaching Profession Act, 1944.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Teaching Profession Act, 1944*, is amended by adding thereto the following subsection: 1944, c. 64, s. 4, amended.

(2) In the case of a teacher who,— Withdrawal from membership in Federation.

(*a*) at any time during the War 1939-1945 was a member of His Majesty's forces or engaged on special war service designated by the regulations; and

(*b*) at the time of entering the forces or becoming engaged on such service was a teacher or was training to be a teacher at a provincial normal school or the Ontario College of Education,

he may give notification of his withdrawal under subsection 1 by registered letter posted not later than six months after he ceased to be in the forces or special war service or the 31st day of December, 1947, whichever is the later date.

2. Section 10 of *The Teaching Profession Act, 1944*, is amended by adding thereto the following clauses: 1944, c. 64, s. 10, amended.

(*bb*) providing for voluntary membership in the Federation of persons who are not members thereof;

. . . . . .

(*cc*) designating the services and organizations which shall be deemed to be special war services for the purposes of subsection 2 of section 4.

3. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

4. This Act may be cited as *The Teaching Profession Amendment Act, 1947*. Short title.

CHAPTER 108.

An Act to amend The Tourist Camp Regulation Act, 1946.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 1 of section 2 of *The Tourist Camp Regulation Act, 1946*, is amended by adding at the end thereof the words "and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp", so that the said clause shall now read as follows: 1946, c. 100, s. 2, subs. 1, cl. *i*, amended.

(*i*) requiring the maintaining by the operator of each tourist camp of a register of persons, motor vehicles and trailers using the tourist camp and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp.

2. This Act may be cited as *The Tourist Camp Regulation Amendment Act, 1947*. Short title.

(NOTE: This Act became effective on the 3rd day of April, 1947, pursuant to subsection 2 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 109.

An Act to amend The Town Sites Act.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Town Sites Act* is repealed and the following substituted therefor: Rev. Stat., c. 46, s. 1, re-enacted.

1. Subject to the provisions of section 5, where any lot or parcel of Crown land sold, located or staked out under any Act of this Legislature is laid out as a town site or subdivided into lots or parcels for commercial, industrial, residential or summer resort purposes within five years of the issue of letters patent granting such lot or parcel, one-quarter in acreage of all the lots or parcels shown on such plan or subdivision shall become the property of and be vested in the Crown. Right of Crown to one-quarter of lots.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Town Sites Amendment Act, 1947.* Short title.

CHAPTER 110.

An Act to amend The Training Schools Act, 1939.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Training Schools Act, 1939*, is amended by striking out the words "seventy-five cents" in the fourth line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows: 1939, c. 51, s. 20, subs. 1, amended.

(1) The sum of fifty cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of one dollar per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose. Contribution from Province to private training schools.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Training Schools Amendment Act, 1947*. Short title.

CHAPTER 111.

An Act respecting Unclaimed Articles of Clothing and Household Goods.

Assented to October 30th, 1937.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Application of Act.

1. This Act shall apply in the case of,—

(*a*) any article of clothing or household goods,

(i) which is deposited with a person for cleaning, pressing, glazing, washing or repairing, and

(ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than six months,

in respect of which the agreed or reasonable charges for the services mentioned in subclause i are unpaid; and

(*b*) any article of clothing or household goods,

(i) which is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, glazing, washing or repairing, and

(ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than two years,

in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than twelve months.

Notice to owner or person depositing article.

2.—(1) Upon the expiration of the period mentioned in subclause ii of clause *a* or subclause ii of clause *b* of section 1, as the case may be, the person with whom an article is deposited may cause a notice to be served by personal service upon,—

(*a*) the owner of the article;

(*b*) the person who deposited the article; or

(*c*) an adult person,

(i) at the address where the owner or person who deposited the article resides, or

(ii) the address furnished by the owner or person who deposited the article at the time the article was deposited,

stating,—

(*d*) the amount of the agreed or reasonable charges in respect of the article; and

(*e*) that if such charges are not paid within thirty days of the date of the service of the notice, the article will be disposed of.

Notice may cover more than one article.

(2) Any notice under this section may be in respect of more than one article belonging to or deposited by the same person.

Where notice cannot be given.

3. Where the whereabouts of the owner of and the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that section 2 cannot be complied with, the person with whom an article is deposited may, without effecting service of notice as required by section 2, dispose thereof in the manner prescribed by section 4.

Disposal of articles.

4.—(1) Upon the expiration of the thirty-day period mentioned in subsection 1 of section 2, the person with whom the article is deposited may dispose of it,—

(*a*) by giving it to a charitable organization, or by giving it to any organization in order that it may be used for charitable purposes; or

(*b*) in the case of an article,

(i) which has been declared by the owner or person depositing it to have a value of not more than $100, or

(ii) in the absence of such a declaration, having a reasonable market value of not more than $100,

by selling it.

(2) Every person who disposes of articles under this section shall maintain a record of the articles disposed of and the persons or organizations to whom they are disposed. Record of articles disposed of.

5. Where an article has been disposed of under this Act, *prima facie* evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof. Proof of facts.

6. Where an article has been disposed of under this Act the person who disposed of it shall thereby relinquish all claims against the owner or person depositing it for unpaid charges for services upon or storage of the article. Relinquish claims for charges.

7. This Act shall not affect the right of any person to proceed in the manner prescribed by *The Warehousemen's Lien Act.* Exceptions. Rev. Stat., c. 186.

8. Where any article of clothing or household goods,— Articles under $100—charges six years in arrears.

(*a*) which has been declared by the owner or person depositing it to have a value of not more than $100; or

(*b*) in the absence of such a declaration having a reasonable market value of not more than $100,

was deposited with a person for cleaning, pressing, glazing, washing, repairing or storage, or any combination thereof, and on the 1st day of May, 1947, any agreed or reasonable charges for services or storage, or both, had remained unpaid for a period of not less than six years, the person with whom the article is deposited may, without notice to any person, give such article to a charitable organization or to any other organization in order that it may be used for charitable purposes.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have taken effect on the 1st day of May, 1947. Commencement of Act.

10. This Act may be cited as *The Unclaimed Articles Act, 1947.* Short title.

CHAPTER 112.

The University of Toronto Act, 1947.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION AND GENERAL PROVISIONS.

1. In this Act,— Interpretation,—

(*a*) "affiliated college" shall mean a college which is affiliated with the University; "affiliated college";

(*b*) "appointed members" shall mean the members of the Board appointed by the Lieutenant-Governor in Council; "appointed members";

(*c*) "Board" shall mean The Governors of the University of Toronto; "Board";

(*d*) "Bursar" shall mean Bursar of the University; "Bursar";

(*e*) "Chancellor" shall mean Chancellor of the University; "Chancellor";

(*f*) "college" shall include a school or other institution of learning; "college";

(*g*) "Committee of Nomination" shall mean Committee of Nomination established under this Act; "Committee of Nomination";

(*h*) "Comptroller" shall mean Comptroller of the University; "Comptroller";

(*i*) "council" shall include The Council of the Faculty of Arts, The Council of University College and the council of every faculty and school; "council";

(*j*) "federated college" shall mean a college which is federated with the University; "federated college";

"federated university"; (*k*) "federated university" shall mean a university which is federated with the University;

"head"; (*l*) "head", when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof;

"Librarian"; (*m*) "Librarian" shall mean Librarian of the University;

"President"; (*n*) "President" shall mean President of the University;

"property"; (*o*) "property" shall include real property and all other property of every nature and kind;

"real property"; (*p*) "real property" shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

"Registrar"; (*q*) "Registrar" shall mean Registrar of the University;

"Senate"; (*r*) "Senate" shall mean Senate of the University;

"teaching staff"; (*s*) "teaching staff" shall include professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;

"Trinity College"; (*t*) "Trinity College" shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a university by Royal Charter bearing date the 16th day of July, 1853; and

"University". (*u*) "University" shall mean University of Toronto. R.S.O. 1937, c. 372, s. 1, *amended*.

University, University College, faculties, etc., continued.

2. The provincial university, known as the University of Toronto, the provincial college, known as University College, the Senate, Convocation, the several faculties and schools of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. R.S.O. 1937, c. 372, s. 2, *amended*.

Appointments, statutes and regulations, continued.

3. All appointments in and statutes and regulations affecting the University and University College and each of them

shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board. R.S.O. 1937, c. 372, s. 3.

School of Practical Science to mean Faculty of Applied Science, etc.

4.—(1) Whenever in any Act or document reference is made to the School of Practical Science, the same shall apply and extend to the Faculty of Applied Science and Engineering.

Money expended by Board in maintenance of such faculty.

(2) All money expended by the Board in the maintenance of the faculty shall for the purposes and within the meaning of the agreement bearing date the 2nd day of March, 1889, between Her late Majesty Queen Victoria, and the Corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." R.S.O. 1937, c. 372, s. 5.

FEDERATED AND AFFILIATED INSTITUTIONS.

Universities and colleges, federated or affiliated.

5.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act. R.S.O. 1937, c. 372, s. 6 (1).

Colleges affiliated with federated University.

(2) Subject to the provisions of this Act, a college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall be deemed to be affiliated with the University.

Federated universities.

(3) The following are declared to be the universities federated with the University:

(*a*) Victoria University; and

(*b*) Trinity College.

Federated colleges.

(4) The following are declared to be the colleges federated with the University:

(*a*) Knox College;

(*b*) Wycliffe College;

(*c*) St. Michael's College; and

(*d*) Emmanuel College of Victoria University.

Affiliated colleges.

(5) The following are declared to be the colleges affiliated with the University:

(*a*) Albert College;

(*b*) The Ontario Agricultural College;

(*c*) The Royal College of Dental Surgeons of Ontario;

(*d*) The Ontario College of Pharmacy;

(*e*) The Ontario Veterinary College;

(*f*) The Ontario College of Art;

(*g*) The Ontario Ladies College, by reason of its having been affiliated with Victoria University when Victoria University became federated with the University; and

(*h*) St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented on Senate.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute of the Senate. R.S.O. 1937, c. 372, s. 6 (2-6), *amended*.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated with federated university to cease to be affiliated with University on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated with it, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.

Arts faculties of Victoria, Trinity and St. Michael's.

(9) The arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College. R.S.O. 1937, c. 372, s. 6 (7-9).

Admission of universities to federation.

6.—(1) When any university in Ontario determines to surrender its degree-conferring powers, except the power of conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

Publication of statute.

(2) Every such statute shall be published forthwith after the passing thereof in the *Ontario Gazette*.

Suspension of degree-conferring powers during federation.

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university if three years have elapsed from the date when its federation with the University took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board, and such federated university shall cease to be federated with the University at and after the expiry of the last-mentioned period.

Notice of dissolution of federation.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*.

Rights of graduates and undergraduates of federated university.

(5) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. R.S.O. 1937, c. 372, s. 7.

Religious tests, etc., not required.

7.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms of religious observances shall not be compulsory on any student attending the University or University College.

Moral and religious training.

Right of federated universities and colleges as to religion.

(2) Nothing in this section shall interfere with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. R.S.O. 1937, c. 372, s. 8.

PROPERTY.

Accounts of proceeds of sales of lands set apart for University and University College.

8.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 36, as amended by the Act passed in the 5th year of the same reign, chaptered 36, and by the Act passed in the last-mentioned year, chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in those Acts, and all money derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise.

Rights of University as to such lands preserved.

(2) The repeal of the Acts and parts of Acts mentioned in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions thereof.

Annual grant of $7,000 continued.

(3) The annual grant of $7,000, provided for by the first-mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue Fund. R.S.O. 1937, c. 372, s. 9.

Property vested in trustees transferred to Board.

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. R.S.O. 1937, c. 372, s. 10, *amended*.

Queen's Park.

10. The land demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease remains in force, form part of the City of Toronto and the residue of the land adjacent to the park which is vested in the Board shall be subject to the police regulations of the corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. R.S.O. 1937, c. 372, s. 11.

11. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. R.S.O. 1937, c. 372, s. 12. Application of statute of limitations as to property.

12. The dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but all such rights and privileges remain in full force and effect. R.S.O. 1937, c. 372, s. 13. Former dedication to University not to affect status of lands as Crown lands.

13.—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. Land vested in Board not liable to expropriation.

(2) Subsection 1 shall apply to real property owned by or vested in any university or college federated with the University. R.S.O. 1937, c. 372, s. 14. Extended application of subs. 1.

14.—(1) The property real and personal vested in the Board and any lands and premises leased to or occupied by the Board shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsections 2 and 3, and unless otherwise by law exempt, the interest of every lessee under a lease from the Board and every occupant other than the Board of real property vested in the Board shall be liable to taxation. R.S.O. 1937, c. 372, s. 15 (1), *amended*. Exemption of property from taxation.

(2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which, is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry Lessees or occupants of certain land exempted.

office

office for the registry division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. R.S.O. 1937, c. 372, s. 15 (2).

Certain land of federated bodies also exempt

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board and lands and premises leased to or occupied by the Board are by subsection 1 exempted from taxation. R.S.O. 1937, c. 372, s. 15 (3), *amended*.

Endowment of chairs, scholarships, etc.

15. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a fellowship, scholarship, bursary, exhibition, medal, prize or other award in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. R.S.O. 1937, c. 372, s. 16, *amended*.

BOARD OF GOVERNORS.

Board of Governors.

16. The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 28 of *The Interpretation Act*, the power to take and hold real property for the purposes of the University and of University College without licence in mortmain. R.S.O. 1937, c. 372, s. 17.

Rev. Stat., c. 1.

Composition of Board.

17.—(1) The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-two persons appointed by the Lieutenant-Governor in Council.

Nomination of certain members of Board of Governors by Alumni.

(2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-two persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

Nominees to be appointed as vacancies arise.

(3) Vacancies hereafter occurring by the expiry of the term of office or by death or resignation or from any other

cause

cause among the appointed members may be filled from among the persons so nominated until eight such persons have been appointed, and in the case of vacancies caused by death or resignation or from any cause other than the expiry of the term of office the member appointed shall hold office for the remainder of the term for which the member whose place is to be filled was appointed.

Who ineligible for nomination.

(4) The persons declared to be ineligible for appointment as members of the Board shall not be eligible for nomination by the Alumni Federation of the University of Toronto. R.S.O. 1937, c. 372, s. 18.

Disqualifications.

18. No person shall be eligible for appointment as a member of the Board unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 19, *amended*.

Chairman.

19. One of the members of the Board shall be appointed by the Lieutenant-Governor in Council to be its chairman. R.S.O. 1937, c. 372, s. 20.

Appointment of vice-chairman.

20.—(1) The Board may appoint one of its members to be vice-chairman, and in case of the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Chairman *pro tempore.*

(2) In case of the absence or illness of the chairman, and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Validity of their acts.

(3) All acts which lawfully might have been done by the chairman, when done by the acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed. R.S.O. 1937, c. 372, s. 21.

Quorum.

21. Unless and until otherwise provided by the Board, seven members shall constitute a quorum. R.S.O. 1937, c. 372, s. 22.

Ten members may exercise powers.

22. Notwithstanding any vacancy in the Board, as long as there are at least ten members it shall be competent for the Board to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 23.

Term of office.

23. The appointed members of the Board shall hold office for six years, and until their successors are appointed. R.S.O. 1937, c. 372, s. 24.

Members may be re-appointed.

24. An appointed member of the Board shall be eligible for re-appointment. R.S.O. 1937, c. 372, s. 25.

Removal from office.

25. An appointed member of the Board may be removed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 372, s. 26.

Heads of federated universities, etc., ineligible.

26. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching or administrative staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. R.S.O. 1937, c. 372, s. 27 (1), *amended*.

Member becoming ineligible.

27.—(1) If a member of the Board, after his appointment, accepts or occupies any of the offices or positions mentioned in section 26, or ceases to have his customary place of residence in the Province of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and it shall be the duty of the Board, by resolution, to declare his membership vacant. R.S.O. 1937, c. 372, s. 27 (2), *part, amended*.

Absence from meetings.

(2) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than forty per centum of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem.

(3) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than twenty per centum of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board, by resolution, to declare his membership vacant. *New*.

Proof.

(4) A resolution passed under this section entered upon the minutes of the Board shall be conclusive evidence of the vacancy therein declared. R.S.O. 1937, c. 372, s. 27 (2), *part, amended*.

Filling vacancies.

28. Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. R.S.O. 1937, c. 372, s. 28.

Government, etc., of University vested in Board.

29. The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. R.S.O. 1937, c. 372, s. 29.

Borrowing powers of Board.

30.—(1) In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as the Board may from time to time deem necessary for the purposes of the University and of University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums as the Board may from time to time deem necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon. R.S.O. 1937, c. 372, s. 30 (1), *amended*.

Money borrowed to be charge on property.

(2) The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge shall be executed or registered.

Approval of Lieutenant-Governor in Council.

(3) The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, who may prescribe the terms and conditions on which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize. R.S.O. 1937, c. 372, s. 30 (2, 3).

Borrowing powers exercisable from time to time.

(4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of reborrowing. R.S.O. 1937, c. 372, s. 30 (4), *amended*.

Lieutenant-Governor in Council may guarantee loans.

(5) The Lieutenant-Governor in Council for and in the name of the Province of Ontario may guarantee the securities for all sums borrowed by the Board under the authority of this section, and the performance of the stipulations on its part contained in such securities.

Form of guaranty.

(6) The form and manner of the guaranty shall be determined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.

Binding effect on Province.

(7) Every guaranty so signed shall be binding on the Province and the purchaser of any security so guaranteed

shall not be bound to inquire into the authority of the officer or person signing the guaranty. R.S.O. 1937, c. 372, s. 30 (5-7).

Regulations.

31. The Board shall have power to make regulations,—

Conduct of proceedings.

(*a*) pertaining to the meetings of the Board and its transactions and fixing the quorum of the Board;

Committees.

(*b*) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matter or class or classes of matters, but,

(i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and

(ii) no decision of a committee which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;

Retirement of staff.

(*c*) providing for the retirement and superannuation of the persons mentioned in clause *a* of section 32;

Pensions.

(*d*) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clause *a* of section 32 or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise, whether effected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with His Majesty in right of Ontario, or His Majesty in right of Canada, or otherwise;

Pension plan.

(*e*) providing for the termination or variation of any plan heretofore or hereafter established having those purposes mentioned in clause *d*, or any of them;

Health service, physical training, etc.

(*f*) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College; and

(*g*) for the management, government and control of residences and dining halls for the use of the students of the University and of University College. R.S.O. 1937, c. 372, s. 31, cls. (*a*), (*c*), (*i*), (*m*), *amended.* Control of residences, etc.

32. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is declared that the Board shall have power to,— Powers of Board.

(*a*) appoint the President of the University, the Principal of University College, the deans of all the faculties, the Comptroller of the University, the Librarian of the University, the Bursar of the University, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University or of any faculty or school thereof or of University College, unless he has been first nominated by the President of the University and no dean of a faculty or member of the teaching staff of the University or of any faculty or school thereof, or of University College, shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this provision shall not apply where there is a vacancy in the office of President; R.S.O. 1937, c. 372, s. 31, cl. (*b*), *amended.* Appointment of President, Deans, professors, etc.

(*b*) subject to the limitations imposed by any trust as to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet; Investments.

(*c*) purchase, take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without licence in mortmain, and every person shall have the unrestricted Acquiring and holding real property.

right

right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes;

Acquiring other property.

(*d*) purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease; R.S.O. 1937, c. 372, s. 31, cls. (*d-f*).

Expropriation of lands.

(*e*) without the consent of the owner or of any person interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Comptroller or the Bursar, or at the office of the Comptroller or the Bursar, as the case may be; R.S.O. 1937, c. 372, s. 31, cl. (*g*), *amended*.

Rev. Stat., c. 266.

Acquiring and maintaining real property for athletic purposes.

(*f*) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary; R.S.O. 1937, c. 372, s. 31, cl. (*h*).

Providing means for health service, physical training, etc.

(*g*) provide such means for a health service and health examination and physical instruction and training of the students of the University and University College as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (*i*), *amended*.

Selling and leasing lands.

(*h*) sell any of the real property vested in the Board or

lease

lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements, and conditions as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (*j*).

Dedication of real property.

(*i*) dedicate real property vested in the Board for public highways or other public purposes upon such terms and conditions as to the Board may seem meet; *New.*

Expenditure of funds in maintenance and improvements.

(*j*) lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings;

Residences and dining halls, etc.

(*k*) lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board; R.S.O. 1937, c. 372, s. 31, cls. (*k*, *l*).

Gratuities, pensions.

(*l*) lay out and expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retiring allowances, pensions or life insurance under regulations made pursuant to clause *d* of section 31; *New.*

Establishing faculties, departments, etc.

(*m*) establish such faculties, schools, institutes, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (*n*), *amended.*

Federation of colleges.

(*n*) provide for the federation with the University of any college established in Ontario for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation;

Affiliation of colleges.

(*o*) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture, or any other useful branch of learning, on such terms as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation;

Dissolution of affiliation.

(*p*) provide for the dissolution of any such affiliation or of any existing affiliation or for the modification or alteration of the terms thereof; R.S.O. 1937, c. 372, s. 31, cls. (*o-q*).

Fees.

(*q*) fix from time to time the fees to be paid for post-graduate instruction, and for instruction in all faculties, schools, institutes, departments and courses now in existence or hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory supply fees, the physical training fees, the health service fees, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in arts, make such reduction in the fees payable by the students so taught in such college as to the Board may seem reasonable;

Arrangements with secondary and primary schools.

(*r*) enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty, school, institute or department thereof, and the governing body of any such school which is a collegiate institute, a high school, a day vocational school or public or separate school, may, with the approval of the Lieutenant-Governor in Council, make such arrangements with the Board;

Establishing, etc., schools.

(*s*) establish, erect, equip, maintain and conduct such schools as may be deemed requisite for the purpose

of practice and observation or otherwise for or in connection with the Ontario College of Education, and fix the fees to be paid for instruction in such schools;

(*t*) borrow from time to time from any bank or lender on such terms as may be agreed on such sums of money as may be required for the purposes of the University and of University College, but, Borrowing.

(i) the total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed $500,000, and

(ii) a bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section; R.S.O. 1937, c. 372, s. 31, cls. (*r-u*), *amended*.

(*u*) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and enjoy; Power to acquire patents, etc.

(*v*) apply for, purchase or otherwise acquire any trade marks or trade names and the like or any interest therein and use, dispose of, assign or otherwise turn to account the trade marks, trade names and interests so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy; and Power to acquire trade marks.

(*w*) apply for, purchase or otherwise acquire any copyright or like right or any interest therein or right thereunder, and use, exercise, develop, dispose of, Power to acquire copyright.

assign or grant licences in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy. R.S.O. 1937, c. 372, s. 32, *part.*

Alterations to constitution.

33. The Board may modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. R.S.O. 1937, c. 372, s. 33.

Committee of students.

34.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Right to make communications.

(2) The committee shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested.

Saving individual rights.

(3) Nothing herein shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body, as the case may be, and in no other manner.

Saving control of federated bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. R.S.O. 1937, c. 372, s. 34.

Endowment not to be impaired without consent of Government.

35.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

(2) In this section "endowment" shall mean the real property vested in the Board, the proceeds of any part thereof sold, and the money invested in mortgages or other securities. R.S.O. 1937, c. 372, s. 35. "Endowment," meaning of.

36. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. R.S.O. 1937, c. 372, s. 37. Action of Board by resolution or statute.

37. The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose. R.S.O. 1937, c. 372, s. 38 (1). Accounts of Board, audit of.

38.—(1) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may from time to time require. R.S.O. 1937, c. 372, s. 38 (2), *amended.* Annual financial report.

(2) The report shall be transmitted to the Provincial Secretary on or before the 1st day of December next after the close of the year for which it is made, and shall be laid before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. R.S.O. 1937, c. 372, s. 38 (3). When report to be transmitted.

39. Without the written consent of the Attorney General no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office. R.S.O. 1937, c. 372, s. 39. Consent of Attorney General to actions against Board.

40. If any question arises as to the powers or duties of the council of University College, of the council of any faculty or school, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, it shall be settled and determined by the Board, whose decision shall be final. R.S.O. 1937, c. 372, s. 40, *amended.* Powers of Board as to deciding questions as to powers and duties.

41. All the powers over, in respect of, or in relation to the University and University College which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board. *New.* Residual powers of the Board.

THE SENATE.

42. The Senate of the University shall be composed as follows: Senate,— how composed.

(*a*) the following shall be *ex officio* members,—

(i) the Chancellor,

(ii) the President,

(iii) the Chairman of the Board,

(iv) the Principal of University College,

(v) the president or other head of each federated university and federated college,

(vi) the dean of each faculty of the University,

(vii) the Librarian,

(viii) the President of the Alumni Federation of the University of Toronto,

(ix) every person who has occupied the office of Chancellor, and

(x) every person who has occupied, for a period of at least seven years, the office of President;

(*b*) the faculties shall be entitled to representation as follows and the representatives of the faculties other than the Faculty of Arts of the University shall be elected by their respective faculty councils,—

(i) the Faculty of Arts of the University, with the exception of the Department of Law, by the professors, not including associate professors or assistant professors, of the Faculty, each of whom shall be a member of the Senate,

(ii) the Faculty of University College, by six members,

(iii) the Faculty of Victoria College, by five members,

(iv) the Faculty of Trinity College, by five members,

(v) the Faculty of St. Michael's College, by five members,

(vi) the Faculty of Medicine, by eight members,

(vii) the Faculty of Applied Science and Engineering, by eight members,

(viii) the Faculty of Household Science, by two members,

(ix) the Ontario College of Education, by two members,

(x) the Faculty of Forestry, by two members,

(xi) the Faculty of Dentistry, by five members,

(xii) the School of Law, by two members, and

(xiii) the Faculty of Arts of every university and arts college hereafter federated with the University, by five members each;

(*c*) one member shall be appointed by each federated university;

(*d*) two members shall be appointed by each federated college except St. Michael's College which shall appoint one member;

(*e*) one member shall be appointed by the governing body of every college which is now or shall hereafter be affiliated and entitled to appoint a representative;

(*f*) one member shall be appointed by each of the following,—

(i) The Law Society of Upper Canada,

(ii) The College of Physicians and Surgeons of Ontario,

(iii) The Ontario Association of Architects, and

(iv) the Association of Professional Engineers of the Province of Ontario;

(*g*) one member shall be appointed by each of the following,—

(i) the School of Physical and Health Education,

(ii) the School of Social Work,

(iii) the School of Nursing,

(iv) the School of Hygiene,

(v) the School of Chinese Studies, and

(vi) the Department of University Extension;

(*h*) each of the following groups shall elect the number of members indicated,—

(i) the graduates in arts of the University who at the time of graduation were enrolled in University College, twelve members,

(ii) the graduates in arts and science of Victoria University and the graduates in arts of the University who at the time of graduation were enrolled in Victoria College, five members,

(iii) the graduates in arts and science of Trinity College and the graduates in arts of the University who at the time of graduation were enrolled in Trinity College, five members,

(iv) the graduates in arts of the University who at the time of graduation were enrolled in St. Michael's College, five members,

(v) the Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member,

(vi) the Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, one member,

(vii) the graduates in medicine, eight members,

(viii) the graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members,

(ix) the graduates in household science, one member,

(x) the graduates in pedagogy, one member,

(xi) the graduates in forestry, one member,

(xii) the graduates in music, one member,

(xiii) the graduates in dentistry, five members,

(xiv) the graduates in law, two members,

(xv) the graduates in agriculture, three members,

(xvi) the graduates in veterinary science and veterinary medicine, one member,

(xvii) the graduates in pharmacy, two members,

(xviii) such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members,

(xix) such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member;

(*i*) a university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five;

(*j*) where a new faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the faculty, school, institute or department and of the graduates of the faculty, school, institute or department. R.S.O. 1937, c. 372, s. 41, *amended*.

Members of staff not to be elected.

43. Members of the teaching or administrative staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. R.S.O. 1937, c. 372, s. 42, *amended*.

Eligibility.

44. No person shall be eligible for election or appointment as a member of the Senate unless his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, *amended*.

Vacancies in Senate.

45. If an elected or appointed member of the Senate resigns, ceases to have his customary place of residence in the Province of Ontario, becomes mentally ill or incapable of acting, or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 43 not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 45, *amended*.

Filling vacancies in Senate.

46. If a vacancy occurs from any cause it shall be filled,—

(*a*) in the case of an appointed member, by the body possessing the power of appointment;

(*b*) in the case of a member elected by a faculty council, by the faculty council; and

(*c*) in the case of any other elected member, by the Senate,

and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. R.S.O. 1937, c. 372, s. 46, *amended*.

Disputes as to election or right to sit.

47. If any question arises touching the election of any elective member of the Senate or the right of any person to be or sit or act as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. R.S.O. 1937, c. 372, s. 47, *amended*.

Powers and duties of Senate.

48. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to,—

Regulating proceedings.

(*a*) provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;

Granting degrees.

(*b*) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Cancelling or suspending degrees.

(*c*) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable

offence,

offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act* Rev. Stat., c. 19. may be conferred upon commissioners appointed under the provisions of that Act;

(*d*) provide for the restoring, and restore, in such cases as it deems proper, degrees of graduates whose degrees have been cancelled, recalled or suspended under clause *c*; Restoring degrees.

(*e*) provide for the establishment of fellowships, scholarships, bursaries, exhibitions, medals, prizes and other awards; Fellowships, exhibitions, etc.

(*f*) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof; Affiliation of colleges.

(*g*) provide for the establishment of any faculty, school, institute, department, chair or course of instruction in the University; Establishment of faculties, departments, etc.

(*h*) provide for the establishment of any department, chair or course of instruction in University College in any subject except theology; Departments, etc., in University College.

(*i*) appoint scrutineers for the counting of the votes for elective members of the Senate; Scrutineers at elections.

(*j*) consider and determine on the report of the respective faculty and school councils as to the courses of study in all the faculties and schools; Considering reports of faculty councils.

(*k*) consider and determine as to all courses of study to which clause *j* does not apply; Courses of study.

Examiners and examinations.

(*l*) consider and determine on the report of the respective faculty and school councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties and schools;

University examiners and examinations.

(*m*) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties and schools of the University and for determining the results of such examinations;

Appeals from faculty councils.

(*n*) hear and determine appeals from decisions of the faculty and school councils upon applications and memorials by students and others;

Reports from faculty councils.

(*o*) consider all such matters as shall be reported to it by any council and communicate its opinion or action thereon to the council;

Representation of new faculties on Senate.

(*p*) provide for the representation on the Senate of any faculty or school hereafter established in the University, and of the graduates in such faculty or school, if in the opinion of the Senate, provision should be made for separate representation of such graduates;

Calendars.

(*q*) provide for the preparation and publication of the calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;

Library and Librarian.

(*r*) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;

Changing composition of Senate.

(*s*) make such changes in the composition of the Senate as may be deemed expedient; and

Recommendations to Board.

(*t*) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. R.S.O. 1937, c. 372, s. 48, *amended*.

Senate not to alter representation of federated universities.

49.—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university or of St. Michael's College, unless the same is assented to by the federated university or college affected by the change. R.S.O. 1937, c. 372, s. 49 (1), *amended*.

(2) Nothing in this Act shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor, the Senate shall refer to the appropriate faculty or school council the proposition under consideration for inquiry and report thereon. R.S.O. 1937, c. 372, s. 49 (2), *amended.* Senate may change courses.

50. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in clauses *c*, *e*, *f*, *g*, *h*, *j*, *k*, *p*, *r*, and *s* of section 48 shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 50, *amended.* Certain statutes of Senate to be approved by Board.

CONVOCATION.

51. Convocation shall consist of the members of the Board, the members of the Senate, the members of the teaching staffs of the University, University College, and the federated universities and colleges, of the rank of assistant professor or of rank senior thereto, and all graduates of the University and of the federated universities and federated colleges. R.S.O. 1937, c. 372, s. 51, *amended.* Convocation, how composed.

52. Convocation shall have power to,— Powers of Convocation.

(*a*) make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof; Regulations as to proceedings.

(*b*) appoint a clerk of Convocation, and prescribe his duties; Appointment and duties of clerk.

(*c*) in case of the absence of the Chancellor, elect a presiding officer for any meeting thereof; Presiding officer.

(*d*) consider all questions affecting the interests and well-being of the University, and make representations thereon to the Board or to the Senate; Representations to Board and Senate.

(*e*) require a fee to be paid by the members as a condition of their being placed on the register of members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation; Fee of members.

(*f*) appoint an executive committee and confer upon it such powers as may seem meet. R.S.O. 1937, c. 372, s. 52. Executive committee.

53. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation, and in the absence of such regula- Meetings of Convocation.

tion,

tion, as may be fixed by Convocation or by the executive committee thereof, and the Board shall provide a suitable place for its meetings. R.S.O. 1937, c. 372, s. 53.

Notice of meetings.

54. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the executive committee. R.S.O. 1937, c. 372, s. 54.

Transmission of minutes.

55. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. R.S.O. 1937, c. 372, s. 55.

Majority vote to decide.

56. All questions shall be decided by the vote of the majority of the members present. R.S.O. 1937, c. 372, s. 56.

Chairman may vote as member.

57. The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1937, c. 372, s. 57.

Quorum.

58. No question shall be decided at any meeting unless at least twenty-five members are present. R.S.O. 1937, c. 372, s. 58.

Special meetings—how called.

59.—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the chairman to convene a special meeting of Convocation, the chairman shall call the same without unnecessary delay.

Special meetings to be confined to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. R.S.O. 1937, c. 372, s. 59.

Chancellor to be chairman of Convocation.

60. The Chancellor shall be the chairman of Convocation. R.S.O. 1937, c. 372, s. 61.

Degrees to be conferred by Chancellor or President.

61. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. R.S.O. 1937, c. 372, s. 62.

CHANCELLOR.

The Chancellor.

62.—(1) There shall be a Chancellor of the University who shall be appointed by the Board and by the Senate on the nomination of the Committee of Nomination. R.S.O. 1937, c. 372, s. 60, *amended*.

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, *amended.* Who eligible.

(3) No person shall occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college. *New.* Who ineligible.

(4) Subsection 3 shall not render any person ineligible for nomination to or by the Committee of Nomination for the office of Chancellor; but no person shall be appointed to the office of Chancellor while he occupies the office of President of the University, Principal of University College, or is the head of a federated university, the head of a federated or an affiliated college or is a member of any such teaching or administrative staff or governing body. *New.* Nomination not affected.

63.—(1) Subject to section 64, the term of office of the Chancellor shall be three years commencing with the 1st day of July of the year in which he is appointed, and he shall hold office until his successor is appointed, and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 63, *amended.* Term of office.

(2) The first appointment of a Chancellor under the provisions of this section shall be made for a term commencing on the 1st day of July, 1947. *New.* First appointment.

64. If a vacancy in the office of Chancellor occurs from any cause the vacancy shall be filled by the appointment by the Board and by the Senate of a successor nominated by the Committee of Nomination and the successor so appointed shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Nomination and ending on the 30th day of June in such year as the Committee of Nomination may designate, and he shall hold office until his successor is appointed and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 65, *amended.* Procedure upon vacancy.

65. If the Chancellor ceases to be eligible for such office, or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Committee of Nomination to the Board and to the Senate and so entered upon the minutes of the Board and of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 64, *amended.* Where Chancellor becomes ineligible.

Committee of Nomination.

66.—(1) The Committee of Nomination shall be composed of,—

(*a*) the Chairman of the Board;

(*b*) the President;

(*c*) six members of the Board to be appointed from time to time by the Board to hold office during the pleasure of the Board;

(*d*) six members of the Senate to be appointed from time to time by the Senate to hold office during the pleasure of the Senate; and

(*e*) six members to be appointed from time to time by the Alumni Federation of the University of Toronto from among the graduates of the University to hold office during the pleasure of the said Alumni Federation.

Chairman.

(2) The Chairman of the Board shall be Chairman of the Committee of Nomination and in his absence the Committee may appoint an acting chairman from among the members of the Committee present at the meeting.

Secretary.

(3) The Registrar shall be the Secretary of the Committee of Nomination.

Meetings.

(4) The Committee of Nomination shall meet at such times and places and on such notice as may be fixed by it by regulation and also when convened by the Chairman of the Board.

Nomination to be submitted.

(5) The Committee of Nomination shall submit its nomination for the office of Chancellor to the Senate and to the Board. *New.*

Nominations by graduates.

67.—(1) The Committee of Nomination shall make its nomination for the office of Chancellor from nominations made to the Committee by graduates of the University entitled to vote at Senate elections.

Form and delivery of nominations.

(2) Every nomination made to the Committee of Nomination shall be in writing signed by at least ten graduates entitled to vote at Senate elections and shall be delivered at the office of the Registrar, or if sent by mail, received there not later than,—

(*a*) except in the cases mentioned in clauses *b* and *c* the first Wednesday in April of the year in which the term of the office of Chancellor expires;

(*b*) in the case of the filling of a vacancy under section 64, a date to be fixed by the Committee of Nomination and published in such manner as it may determine; and

(*c*) in the case of the first appointment under the provisions of this section, Wednesday, the 30th day of April, 1947. *New.*

COUNCILS.

Council of Faculty of Arts.

68.—(1) There shall be a council to be known as "The Council of the Faculty of Arts", which shall consist of,—

(*a*) the President;

(*b*) the Principal of University College;

(*c*) the president or other head of each federated university or federated arts college;

(*d*) the Dean of the Faculty of Arts;

(*e*) the Librarian;

(*f*) the teaching staff in the Faculty of Arts of the University;

(*g*) the teaching staff of University College;

(*h*) the teaching staff in the Faculty of Arts of Victoria College;

(*i*) the teaching staff in the Faculty of Arts of Trinity College;

(*j*) the teaching staff in the Faculty of Arts of St. Michael's College;

(*k*) the teaching staff in the Faculty of Arts of every other university or arts college hereafter federated with the University;

(*l*) one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated; and

(*m*) one professor appointed by each of the federated colleges. R.S.O. 1937, c. 372, s. 66 (1), *amended.*

Other faculty councils.

(2) There shall be a council for each of the other faculties and schools of the University now or hereafter established to consist of the dean or director and the teaching staff thereof

and the Librarian, and a council for University College to be known as the Council of University College and to consist of the Principal and the teaching staff thereof and the Librarian. R.S.O. 1937, c. 372, ss. 68, 69, 75, *amended.*

Interpretation.

(3) For the purposes of this section,—

(*a*) "teaching staff" shall not include lecturers and instructors whose appointments are temporary; and

(*b*) lecturers and instructors who are members of a council shall act as assessors only and shall not be entitled to vote. R.S.O. 1937, c. 372, ss. 66 (2, 3), 70, *amended.*

Chairman.

69. The chairman of a council shall be,—

(*a*) in the case of the Council of the Faculty of Arts, the President;

(*b*) in the case of the Council of University College, the Principal of University College; and

(*c*) in the case of each of the other councils, the dean of the faculty or the director of the school. R.S.O. 1937, c. 372, ss. 72, 74, 80 (2), *amended.*

Powers and duties of faculty councils except University College.

70.—(1) The powers and duties of the Council of the Faculty of Arts and of the council of each of the other faculties and schools shall be to,—

(*a*) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;

(*b*) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of the faculty or school, and the affairs and business thereof;

(*c*) subject to the approval of the Senate, fix and determine the courses of study in the faculty or school;

(*d*) subject to approval and confirmation by the Senate, appoint the examiners for, and conduct the examinations of the courses in the faculty or school and determine the results of such examinations;

(*e*) subject to an appeal to the Senate, deal with and decide upon all applications and memorials by students and others in connection with the faculty or school; and

(*f*) consider and report to the Senate upon such matters affecting the faculty or school as to the council may seem meet. R.S.O. 1937, c. 372, ss. 67 (1), 71, *amended.*

University College.

(2) The powers and duties of the Council of University College shall be to,—

(*a*) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;

(*b*) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of University College, and the affairs and business thereof;

(*c*) appoint the examiners for and conduct the examinations of University College; and

(*d*) consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as may seem meet. R.S.O. 1937, c. 372, s. 73, *amended.*

CAPUT.

Caput, how composed.

71. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President, who shall be the chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges, the deans of the faculties of the University and the Warden of Hart House, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction of business. R.S.O. 1937, c. 372, s. 76, *amended.*

Quorum.

Powers and duties.

72. The powers and duties of the Caput shall be to,—

Time tables for lectures, etc.

(*a*) fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty or school or which affect University College, or a federated university or college;

Authorizing lecturing and teaching.

(*b*) authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and prevent all lecturing and teaching not so authorized;

Disciplinary powers.

(*c*) exercise the powers as to discipline conferred upon it by sections 79 to 82;

To determine control of university associations.

(*d*) determine by general regulation or otherwise to what university, college, faculty, school, or other body, the control of any university association belongs;

Matters assigned to Caput by Board or Senate.

(*e*) generally, deal with all such matters as may be assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. R.S.O. 1937, c. 372, ss. 77, 85, *amended*.

Rules or regulations to be approved by Board.

73. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 78.

Caput may advise President.

74. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. R.S.O. 1937, c. 372, s. 79.

PRESIDENT, PRINCIPAL, REGISTRARS.

President of University.

75.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

Member of councils.

(2) He shall be a member of all councils except the Council of University College and he shall be chairman of the Council of the Faculty of Arts.

Chairman of Senate.

(3) He shall be chairman of the Senate.

To confer degrees in absence of Chancellor.

(4) In the absence of the Chancellor, he shall confer all degrees.

To call meetings of Council of Faculty of Arts.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending members of staff.

(6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and University College, including the Principal, and of the officers and servants mentioned in subsection 1. Recommendations to Board as to appointments, etc.

(8) He shall have the right to summon meetings of any council whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. Summoning meetings of councils.

(9) He may also, at his discretion, convene joint meetings of all the councils or any two or more of them. Convening joint meetings of councils.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and University College, and as to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate. Annual report to Board.

(11) The enumeration of the express powers mentioned in subsections 4 to 10 shall not limit the general powers conferred by subsection 1. R.S.O. 1937, c. 372, s. 80, *amended.* Mention of express powers not to limit general powers.

76.—(1) In case of his absence or illness, the President may appoint a member of any faculty or school to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty or school to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore.* President may appoint a substitute in case of absence or illness.

(2) The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. R.S.O. 1937, c. 372, s. 81, *amended.* Powers of President *pro tem.*

77.—(1) There shall be a Principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board. Principal of University College.

(2) He shall be a member of the Council of the Faculty of Arts. To be a member of Faculty of Arts.

To call meetings of Council of University College.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

May suspend members of staff of College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power, he shall forthwith report his action to the President with a statement of his reasons therefor.

Annual report to Board and Senate.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Absence or vacancy in office of Principal.

(6) In case of the absence or illness of the Principal, he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal, the senior member of the teaching staff of University College shall act as principal *pro tempore*. R.S.O. 1937, c. 372, s. 82.

Registrars for University and University College.

78. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. R.S.O. 1937, c. 372, s. 83.

DISCIPLINE.

Disciplinary jurisdiction of governing bodies.

79.—(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. R.S.O. 1937, c. 372, s. 84 (1).

Disciplinary jurisdiction of faculty councils.

(2) The councils of such of the faculties and schools as shall have assigned for their separate use any buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties and schools in respect of all matters arising or occurring in or upon such buildings and grounds, including residences.

Disciplinary jurisdiction of Caput.

(3) In all other cases, as respects all students of the University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput,

but

but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university, college, faculty or school to which the student belongs. R.S.O. 1937, c. 372, s. 84 (2, 3), *amended.*

Punishments.

80.—(1) Disciplinary jurisdiction under section 79 shall include power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.

Expulsion.

(2) In cases involving conduct which the Caput, the governing body of a federated university or college, or a council considers may warrant the punishment of expulsion, the Caput shall have power to award either in addition to or in substitution for any punishment which may be awarded under section 79 or this section, the punishment of expulsion, subject to confirmation by the Board, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 87, *amended.*

Deciding questions of jurisdiction.

81. If there is any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, it shall be determined by the Caput, whose decision shall be final and not open to review. R.S.O. 1936, c. 372, s. 86, *amended.*

Right of appeal

82. A student shall have the right to appeal to the Board from any punishment awarded against him except in a case of expulsion which has been confirmed by the Board, but shall have no other right of appeal and the decision of the body exercising disciplinary jurisdiction as hereinbefore provided shall be final and binding and not open to review except by the Board. *New.*

Power to abrogate or change provisions as to discipline.

83. As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever federated university, federated college, college, faculty or school they belong and as respects all students enrolled in University College the provisions of sections 79 to 82 may be abrogated or changed by the Board. R.S.O. 1937, c. 372, s. 88, *amended.*

SENATE ELECTIONS.

Quadrennial elections of Senate.

84. Except as otherwise provided in this Act the elective members of the Senate shall be elected and the appointed members thereof shall be appointed quadrennially and they shall hold office until their respective successors are elected or appointed. R.S.O. 1937, c. 372, ss. 44, 89, *amended.*

Election Register.

85.—(1) The Registrar shall, after the 15th day of June, and before the 15th day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election.

Use of card catalogue in place of list of graduates.

(2) Where a card catalogue containing the names and known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. R.S.O. 1937, c. 372, s. 90, *amended.*

Register to be posted up in office of Registrar.

86. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. R.S.O. 1937, c. 372, s. 91.

Persons not to vote unless names on register.

87. No person whose name does not appear in the election register shall be entitled to vote at the election. R.S.O. 1937, c. 372, s. 92.

When election register is not duly prepared.

88. If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. R.S.O. 1937, c. 372, s. 93.

List of graduates entitled to vote to be furnished to Registrar.

89. For the purposes of all elections at which graduates of a federated university are entitled to vote, the registrar of such university shall on or before the 15th day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 94, *amended.*

List of principals and assistants in high schools, etc.

90. The Minister of Education shall, upon the application of the Registrar, furnish him, on or before the 1st day of August in each year in which an election is to be held, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, and with a list of all principals of and assistants in vocational schools who are actually engaged in teaching in a day vocational school, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 95, *amended.*

Separate lists of different classes of persons entitled to vote.

91.—(1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 42.

(2) Such lists shall be the voters' lists for the election. R.S.O. 1937, c. 372, s. 96. Lists to be voters' lists.

92. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. R.S.O. 1937, c. 372, s. 97, *amended.* Complaints as to error and omissions in lists.

93. The decision of the Registrar shall be subject to appeal to the President. R.S.O. 1937, c. 372, s. 98, *amended.* Appeal from decision of Registrar.

94. No person shall be elected a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. R.S.O. 1937, c. 372, s. 99, *amended.* Nominations for Senate.

95. The nominations shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election. R.S.O. 1937, c. 372, s. 100. Nomination to be in writing.

96. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. R.S.O. 1937, c. 372, s. 101. Delivery of nomination paper to Registrar.

97. Any person nominated as a member of the Senate may refuse to become a candidate and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. R.S.O. 1937, c. 372, s. 102, *amended.* Refusal to become a candidate.

98. If only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. R.S.O. 1937, c. 372, s. 104. Election of Senate by acclamation.

99. The Registrar shall report to the Senate at its next meeting the results of the election. R.S.O. 1937, c. 372, s. 105. Report of result of election to Senate.

Voting papers to be sent to graduates.

100. If a poll is necessary, the Registrar shall on or before the third Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper (Form 1), together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. R.S.O. 1937, c. 372, s. 106, *amended*.

Votes, how given.

101. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the third Wednesday of such month of September, and not later than the second Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received, shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 107, *amended*.

Scrutineers.

102. Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. R.S.O. 1937, c. 372, s. 108.

Opening and counting votes.

103.—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

When President absent.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. R.S.O. 1937, c. 372, s. 109.

Who may be present at count.

104. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. R.S.O. 1937, c. 372, s. 110.

When voter gives more votes than entitled to.

105. If more names than the number to be elected appear on a voting paper the votes shall be counted as votes for the persons whose names appear thereon in consecutive order beginning with the first until the required number is reached, and all other votes thereon shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 111, *amended*.

Declaration of result.

106. Upon the completion of the scrutiny and counting of the votes, the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting

forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. R.S.O. 1937, c. 372, s. 112.

Senate to have casting vote.

107. In case of an equality of the votes given for two or more candidates which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. R.S.O. 1937, c. 372, s. 113, *amended*.

Failure of election of representatives by any body entitled to elect.

108.—(1) If from any cause any election provided for by this Act is not held as hereinbefore provided, or if the full number of members which any body is entitled to elect is not elected, instead of an election being held, the Senate, at a special meeting called for that purpose, may appoint the number of members which such body has failed to elect.

Proceedings by Board on failure of Senate to act.

(2) If the Senate should by resolution decline to appoint the members which any body has failed to elect, the Board shall make provision for holding the election or an election of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. R.S.O. 1937, c. 372, s. 114.

Quorum of Senate.

109. Notwithstanding any vacancy in the membership of the Senate, however caused, as long as there are at least twenty members, it shall be competent for the Senate to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 115.

SUBJECTS OF INSTRUCTION, ATTENDANCE, FEES, ENROLMENT.

Course of instruction in Arts.

110. Instruction in the Faculty of Arts shall be apportioned between the University and University College as follows,—

University courses.

(*a*) in the University, instruction shall be given in anthropology, art and archaeology, astronomy, botany, chemistry, geography, geological sciences, history, Italian, law, mathematics (including actuarial science and applied mathematics), military studies, music, philosophy (excluding ethics), physics, political economy (including economics, political science, sociology and commerce), psychology, Spanish and zoology, and in such other subjects as, from time to time, may be determined by statute of the Senate in that behalf;

University College courses.

(*b*) in University College, instruction shall be given in Greek, Latin, ancient history, English, French, German,

man, Oriental languages and ethics, and in such other subjects as may, from time to time, be determined by statute of the Senate in that behalf, but not in theology. R.S.O. 1937, c. 372, s. 116, *amended.*

Consent of federated universities required to transfer of subjects.

111. The subjects of instruction assigned by section 110 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. R.S.O. 1937, c. 372, s. 117.

University curriculum in arts to include certain theological subjects.

112.—(1) The curriculum in arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and church history, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Distribution of options over years of course.

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. R.S.O. 1937, c. 372, s. 118.

Attendance at lectures in federated universities.

113. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. R.S.O. 1937, c. 372, s. 119.

Interchange of lectures with federated universities.

114. Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Principal of University College and of the federated university concerned and the approval of the Senate shall be first obtained. R.S.O. 1937, c. 372, s. 120.

Instruction in arts to be free except as to certain fees.

115. Instruction in arts in the University, except post-graduate instruction, shall be free to all regular matriculated

students

students thereof who are enrolled in University College or in a federated university or in St. Michael's College, and who enter their names with the Registrar, but this provision shall not include exemption from library fees, laboratory supply fees, physical training fees, health service fees, and the fees for examinations, degrees and certificates. R.S.O. 1937, c. 372, s. 121, *amended*.

Minimum table of fees.

116. The table of fees, which on the 15th day of June, 1906, was in force for University College shall be the minimum table of fees for University College and for the arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. R.S.O. 1937, c. 372, s. 122.

Attendance on lectures as qualification to compete for fellowships, etc.

117. Attendance upon instruction in University College or in St. Michael's College or in a federated university by a student enrolled therein shall entitle such student to present himself for any arts examination in and to proceed to any degree in arts of the University, and to compete for any fellowship, scholarship, bursary, exhibition, medal, prize or other award or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. R.S.O. 1937, c. 372, s. 123, *amended*.

Federated colleges.

118. If and as far as may be sanctioned by the Senate and approved by the Board, section 117 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. R.S.O. 1937, c. 372, s. 124.

University students in arts, enrolment of.

119.—(1) All students proceeding to a degree in arts in the University, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be enrolled in University College or in St. Michael's College or in a federated university.

Registration of students.

(2) Subject to the statutes of the Senate, all students proceeding to a degree in any faculty or school of the University other than that of arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause *b* of section 110 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein.

Occasional and graduate students.

(3) All occasional and graduate students shall also be registered in the University. R.S.O. 1937, c. 372, s. 125, *amended*.

Admission of candidates not students of the University.

120. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, certificate of proficiency, fellowship, scholarship, bursary, exhibition, medal, prize or other award authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. R.S.O. 1937, c. 372, s. 126, *amended*.

Qualifications of admission to University examinations.

121.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any University examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

Students enrolled in affiliated colleges.

(2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate to present himself for any examination leading to a degree in arts or in any other faculty of the University. R.S.O. 1937, c. 372, s. 127.

Diplomas, certificates, etc., to indicate university or college.

122. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. R.S.O. 1937, c. 372, s. 128.

ANNUAL GRANTS.

Annual grant to University of portion of revenue from succession duties.

123.—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to fifty per centum of the average yearly gross receipts of the Province from succession duties, but such sum shall not exceed $500,000 in any year.

How payable.

(2) Such annual sums shall be paid in equal half-yearly instalments on the 1st day of July and the 1st day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the

gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

When amount of grant is in excess of annual expenditure.

(3) If in any year the amount payable to the Board under the provisions of subsections 1 and 2 exceeds the amount of the estimated expenditure for the maintenance and support of the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support, or that the same may be applied in expenditures on capital account, or be applied or dealt with wholly or in part in each or any of such ways, and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. R.S.O. 1937, c. 372, s. 129.

TRINITY COLLEGE.

Rights of Trinity College under federation agreement.

124.—(1) Nothing in this Act shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto and Trinity College bearing date the 25th day of August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.

Arrangements for removal of Trinity College to Queen's Park.

(2) The Board may make such arrangement as it may deem expedient for facilitating the removal of Trinity College to Queen's Park, and to that end may agree to such modifications and alterations of the terms of such agreement, and may agree to such additional or substituted terms, financial or otherwise as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.

Loan to Trinity may be guaranteed by Province.

(3) In the event of its being necessary in order to carry out any agreement entered into under the provisions of subsection 2, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province, the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon

and

and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due and otherwise as to the Lieutenant-Governor in Council may seem meet.

Trinity College authorized to enter into agreement as to removal.

(4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Borrowing powers of Trinity College.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. R.S.O. 1937, c. 372, s. 130.

DEVONSHIRE PLACE.

Board may close Devonshire Place.

125.—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Compensation to owners of adjoining lands.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by clause *e* of section 32.

Registration of statute closing Devonshire Place.

(3) The statute may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. R.S.O. 1937, c. 372, s. 131.

FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

When federated college may become a college of the University.

126. If where a college federated with the University has established or hereafter establishes a faculty of arts in which instruction in the subjects of the course of study in arts not being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 68 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar shall be entitled to the privileges which are by section 115 conferred upon the students mentioned therein. R.S.O. 1937, c. 372, s. 132.

GENERAL.

Rev. Stat., c. 372; 1940, c. 28, s. 30; 1942, c. 34, s. 39; 1946, c. 89, s. 44, repealed.

127. *The University Act*, section 30 of *The Statute Law Amendment Act, 1940*, section 39 of *The Statute Law Amendment Act, 1942*, and section 44 of *The Statute Law Amendment Act, 1946*, are repealed.

Commencement of Act.

128. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of March, 1947.

Short title.

129. This Act may be cited as *The University of Toronto Act, 1947*.

SCHEDULE A.

FORM 1.

(*Section 100.*)

FORM OF VOTING PAPER.

UNIVERSITY OF TORONTO SENATE ELECTION. 19 .

I, , resident at , in the county of , do hereby declare:

(1) That the signature subscribed hereunto is of my proper handwriting.

(2) That I vote in my right as a graduate of the Faculty of Arts, enrolled at the time of graduation in University College (*or* Victoria College, *or* Trinity College, *or* St. Michael's College) (*or* as a graduate of the Faculty of Medicine, *or* of Law, *or* of Applied Science and Engineering, *etc., as the case may be*) (*or* as a principal of (*or* assistant in) a collegiate institute (*or* a high school, *or* a vocational school, *as the case may be*).)

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., of in the of *etc., etc.*

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (*or* of Medicine, *or* of Law, *or* of Applied Science and Engineering, *etc. as the case may be*) (*or* as a principal of (*or* assistant in) a collegiate institute (*or* a high school, *or* a vocational school, *as the case may be*).)

(5) That this voting paper was signed by me on the day of the date thereof.

(6) (*In the case of a principal of or assistant in a collegiate institute, or a high school, or a day vocational school*) That I am now actually engaged in teaching in a collegiate institute (*or* a high school, *or* a day vocational school) viz., in the at .

Witness my hand this day of 19 .

A.B.

R.S.O. 1937, c. 372, Sched. A, *amended*.

SCHEDULE B.

(*Section 124.*)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act.*

"Until the erection of such building, students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from the date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

R.S.O. 1937, c. 372, Sched. B.

CHAPTER 113.

An Act to amend The Vocational Education Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Vocational Education Act*, as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945*, is amended by striking out all the words after the word "district" in the eighth line, so that the said clause shall now read as follows: Rev. Stat., c. 369, s. 1, cl. *b* (1945, 2nd Sess., c. 8, s. 33, subs. 1), amended.

(*b*) "County pupils" shall mean pupils, "County pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district.

2.—(1) Subsection 1 of section 5 of *The Vocational Education Act* is amended by striking out the words "the regulations" in the first and second lines and inserting in lieu thereof the words "*The High Schools Act*", so that the said subsection shall now read as follows: Rev. Stat., c. 369, s. 5, subs. 1, amended.

(1) Pupils who may be duly admitted under *The High Schools Act* to a day high school may be admitted to any of the vocational schools or departments provided for in this Part. Admission of pupils to vocational schools. Rev. Stat., c. 360.

(2) Subsection 5 of the said section 5 is amended by striking out the word "training" in the second line, and by striking out the word "classes" in the sixth line and inserting in lieu thereof the word "schools", so that the said subsection shall now read as follows: Rev. Stat., c. 369, s. 5, subs. 5, amended.

Admission of pupils from auxiliary classes.

(5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it.

Rev. Stat., c. 369, s. 13, subs. 3, cls. *a*, *b* (1945, 2nd Sess., c. 8, s. 34), amended.

3. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945*, are amended by striking out the words "in which a vocational school is established and maintained" in the seventh and eighth lines of clause *a*, and by striking out the words "in which a vocational school is established or maintained" in the sixth and seventh lines of clause *b*, so that the said clauses shall now read as follows:

(*a*) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district; and

(*b*) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

5. This Act may be cited as *The Vocational Education Amendment Act, 1947*.

CHAPTER 114.

An Act respecting the Control of Warble-fly.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "Commissioner" shall mean Live Stock Commissioner; "Commissioner";

(*b*) "municipality" shall mean city, town, village or township; "municipality";

(*c*) "treated for warble-fly" shall mean treated in the manner prescribed by the regulations; "treated for warble-fly";

(*d*) "regulations" shall mean regulations made under this Act; and "regulations";

(*e*) "warble-fly" shall mean *hypoderma bovis*, commonly known as the heel-fly or ox-warble-fly, and *hypoderma lineatum*, commonly known as the bomb-fly or gad-fly. "warble-fly".

2.—(1) The council of any municipality may, and upon receipt of a petition signed by at least fifty ratepayers the council of a township shall, by by-law provide that all cattle within the municipality shall be treated for warble-fly. Municipalities may pass by-laws respecting warble-fly.

(2) When a municipality has passed a by-law under subsection 1 no cattle shall be brought into the municipality between the 1st day of April and the 30th day of June in any year during the continuance in force of the by-law unless they have been treated for warble-fly during the current year. Prohibition re cattle entering municipality.

(3) Every by-law passed by a municipality under this Act shall be filed by the clerk of the municipality with the Commissioner. By-law to be filed.

Inspectors,—appointment of.

3. A municipality that has passed a by-law under this Act may appoint an inspector or inspectors to enforce the provisions of the by-law and every inspector so appointed may enter any premises for the purpose of enforcing the by-law.

Regulations.

4. The Lieutenant-Governor in Council may make regulations prescribing the manner in which cattle may be treated for warble-fly.

Penalties.

5.—(1) Every person who violates any of the provisions of a by-law passed under this Act shall be guilty of an offence and liable to a penalty of not less than $10 and not exceeding $50 for a first offence and to a penalty of not less than $50 and not exceeding $200 for a subsequent offence.

Recovery of penalties. Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act.*

Short title.

6. This Act may be cited as *The Warble-fly Control Act, 1947.*

(NOTE: This Act became effective on the 3rd day of April, 1947, pursuant to subsection 2 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 115.

An Act to amend The Well Drillers Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Well Drillers Act* is repealed and the following substituted therefor: Rev. Stat., c. 50, s. 1, cl. *f*, re-enacted.

(*f*) "Well" shall mean a well bored, drilled or dug for oil, natural gas or water. "Well".

2. Subsection 1 of section 2 of *The Well Drillers Act* is repealed and the following substituted therefor: Rev. Stat., c. 50, s. 2, subs. 1, re-enacted.

(1) Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,— Regulations.

(*a*) requiring dry and abandoned wells to be plugged and protected;

(*b*) prescribing the method and requirements to be observed in plugging and protecting any well;

(*c*) respecting the method of boring, drilling and digging wells, and the protection of wells during boring, drilling and digging operations;

(*d*) providing for the issue of licenses to persons boring or drilling wells, and the renewal, suspension or cancellation thereof;

(*e*) prescribing the fees to be paid for licenses and renewals thereof; and

(*f*) requiring every person boring, drilling, digging or plugging a well to furnish reports, returns, geological and other information and specimens, and prescribing the reports, returns, information and specimens to be furnished.

Rev. Stat., c. 50, s. 3, amended.

3. Section 3 of *The Well Drillers Act* is amended by inserting after the word "boring" in the second line the words "drilling, digging", so that the said section shall now read as follows:

Directions of Minister as to boring, etc.

3. The Minister may at all times give such directions in writing as he may deem necessary respecting the boring, drilling, digging, protecting, plugging and closing of any well.

Rev. Stat., c. 50, s. 4, re-enacted.

4. Section 4 of *The Well Drillers Act* is repealed and the following substituted therefor:

License required to bore or drill wells.

4.—(1) No person shall bore or drill or undertake to bore or drill a well unless he is the holder of a license from the Minister so to do.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty of not less than $10 nor more than $100.

Rev. Stat., c. 50, s. 14, subs. 1, amended.

5. Subsection 1 of section 14 of *The Well Drillers Act* is amended by striking out the word "inspectors" in the seventh line and inserting in lieu thereof the word "inspections", so that the said subsection shall now read as follows:

Right of inspector to engage agents and employees.

(1) The inspector shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any land or property upon which any wells are being or have been drilled and to make such examinations, inspections, repairs and inquiries as may be necessary for carrying into effect the provisions of this Act.

Rev. Stat., c. 50, amended.

6. *The Well Drillers Act* is amended by adding thereto the following section:

Recovery of penalties.

15*a*. The penalties imposed by subsection 2 of section 4 and subsection 1 of section 15 shall be recoverable under the provisions of *The Summary Convictions Act*.

Rev. Stat., c. 136.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Well Drillers Amendment Act, 1947*.

CHAPTER 116.

An Act to restrict the Use of White Canes to Blind Persons.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation,—

(*a*) "blind person" shall mean a person who, "blind person";

(i) is registered as blind with The Canadian National Institute for the Blind, a corporation incorporated under the *Companies Act*, being chapter 79 of the Revised Statutes of Canada, 1906, R.S.C. 1906, c. 79.

(ii) is in receipt of a pension on account of blindness under *The Old Age Pensions Act* and the *Old Age Pensions Act* (Canada), or Rev. Stat., c. 314. R.S.C., c. 156.

(iii) having been in receipt of a pension on account of blindness under the said Acts, is in receipt of an old age pension under the said Acts and is still blind within the meaning of the said Acts and regulations made thereunder; and

(*b*) "white cane" shall mean a cane or walking-stick the major portion of which is white. "white cane".

2. No person other than a blind person shall carry or use a white cane in any public thoroughfare, public conveyance or public place. Restriction on use of white cane.

3.—(1) This Act shall not apply to any person who is not a resident of Ontario. Application of Act.

(2) Where, in any prosecution, the person charged with a violation of the Act alleges that he is not a resident of Ontario, the burden of proving the allegation shall be upon such person. Burden of proof.

Penalty.

4.—(1) Any person who violates the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding $25.

Recovery of penalty.

Rev. Stat., c. 136.

(2) The penalty provided by this section shall be recoverable under *The Summary Convictions Act.*

Short title.

5. This Act may be cited as *The White Cane Act, 1947.*

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 117.

An Act to amend The City of Windsor (Amalgamation) Act, 1935.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor: 1935, c. 74, s. 10, re-enacted.

10.—(1) The board of education for the new city shall be composed of nine members as follows: Board of education,—composition.

(*a*) five shall be elected, one for each of the wards of the new city, by the vote of the electors who are public school supporters;

(*b*) two shall be appointed by the separate school board for the new city; and

(*c*) two shall be appointed by the members of the board mentioned in clauses *a* and *b*, to be known as the vocational members, and they shall be respectively an employee and an employer within the meaning of section 7 of *The Vocational Education Act*. Rev. Stat., c. 369.

(2) The elected members of the board shall hold office for a term of two years and shall be elected biennially. Term of office.

(3) The members appointed by the separate school board shall be appointed annually by the said board at its first meeting in every year. Idem.

(4) The vocational members shall be appointed annually at the first meeting of the board of education in every year and shall hold office during the current year. Idem.

(5) The vocational members shall have the same powers as the other members of the board with respect to Powers re vocational schools.

the W. D. Lowe Vocational School, formerly known as the Windsor-Walkerville Vocational School, and any other vocational school or vocational department hereafter established by the board, but in all other respects such members shall have no powers whatsoever.

Idem. (6) The vocational members shall be members of any committee appointed by the board that deals with matters affecting the W. D. Lowe Vocational School or any other vocational school or any vocational department hereafter established by the board.

No advisory committee. (7) The board of education shall not appoint an advisory vocational committee as required by section 6 of *The Vocational Education Act.*

Application of Rev. Stat., c. 369, Part I. (8) Except where inconsistent with this section, Part I of *The Vocational Education Act* shall apply to the W. D. Lowe Vocational School and any other vocational school and any vocational department hereafter established by the board.

Commencement of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent and shall apply to the Board of Education for the City of Windsor for the year 1948 and thereafter, provided that the present elected members of the Board shall hold office until the 1st day of January, 1949.

Short title. **3.** This Act may be cited as *The City of Windsor (Amalgamation) Amendment Act, 1947.*

CHAPTER 118.

An Act to amend The Wolf and Bear Bounty Act, 1946.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Wolf and Bear Bounty Act, 1946*, is repealed. 1946, c. 110, s. 1, cl. *a*, repealed.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: 1946, c. 110, s. 1, cl. *b*, re-enacted.

(*b*) "Minister" shall mean Minister of Lands and Forests. "Minister";

2. Section 2 of *The Wolf and Bear Bounty Act, 1946*, is repealed and the following substituted therefor: 1946, c. 110, s. 2, re-enacted.

2. Where in any county a person has killed a timber or brush wolf and produces the whole skin within a period of six months after the killing before the treasurer of the county, a magistrate, or one of the persons designated by the Minister as wolf bounty officers, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, or person as aforesaid shall give to the person producing the skin, a certificate in the prescribed form. Proof of killing by applicant.

3. Subsection 1 of section 5 of *The Wolf and Bear Bounty Act, 1946*, is repealed and the following substituted therefor: 1946, c. 110, s. 5, subs. 1, re-enacted.

(1) Where a timber or brush wolf has been killed in a provisional judicial district, the skin may be produced before a magistrate, the clerk of the district court or one of the persons designated by the Minister as wolf bounty officers. Proof of killing in provisional judicial district.

1946, c. 110, s. 8, subs. 2, amended.

4. Subsection 2 of section 8 of *The Wolf and Bear Bounty Act, 1946*, is amended by striking out the words "may be prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "the Minister may direct", so that the said subsection shall now read as follows:

Forfeiture of skin.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as the Minister may direct.

1946, c. 110, s. 10, subs. 2, cl. *a*, amended.

5. Clause *a* of subsection 2 of section 10 of *The Wolf and Bear Bounty Act, 1946*, is amended by striking out the words "such officer as the Minister may designate" in the fourth line and inserting in lieu thereof the words "one of the persons designated by the Minister as bear bounty officers", so that the said clause shall now read as follows:

(*a*) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or one of the persons designated by the Minister as bear bounty officers.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1947*.

CHAPTER 119.

An Act to amend The Workmen's Compensation Act.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is further amended by adding thereto the following clauses: Rev. Stat., c. 204, s. 1, subs. 1, amended.

(*ee*) "Earnings" and "wages" shall include any remuneration capable of being estimated in terms of money; "Earnings", "wages";

. . . . . .

(*oo*) "Silicosis" shall mean a fibrotic condition of the lungs sufficient to produce a lessened capacity for work, caused by the inhalation of silica dust; "Silicosis";

(*ooo*) "Superannuation Fund" shall mean The Workmen's Compensation Board Superannuation Fund. "Superannuation Fund".

(2) Clause *h* of subsection 1 of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 1, subs. 1, cl. *h*, re-enacted.

(*h*) "Industrial disease" shall mean,— "Industrial disease".

(i) any of the diseases mentioned in Schedule 3, and

(ii) any other disease peculiar to or characteristic of a particular industrial process, trade or occupation.

2.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as amended by section 1 of *The Workmen's Compensation Amendment Act, 1942*, section 6 of *The Workmen's Compensation Act, 1943*, and section 4 of *The Work-* Rev. Stat., c. 204, s. 35, subs. 1, re-enacted.

men's Compensation Amendment Act, 1944, is repealed and the following substituted therefor:

Compensation in case of death.

(1) Where death results from an injury the amount of the compensation shall be,—

(*a*) the necessary expenses of the burial of the workman not exceeding $125;

(*b*) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding $125 for necessary extra expenses of the burial thus entailed;

(*c*) where the widow or an invalid husband is the sole dependant, a monthly payment of $50;

(*d*) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of $50, with an additional monthly payment of $12 to be increased upon the death of the widow or invalid husband to $20 for each child under the age of sixteen years;

(*e*) where the dependants are children, a monthly payment of $20 to each child under the age of sixteen years;

(*f*) where the dependants are persons other than those mentioned in clauses *a* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further education.

(1*a*) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Rev. Stat., c. 204, s. 35, subs. 9, cls. *a*, *b* (1943, c. 37, s. 6, subs. 5), re-enacted.

(2) Clauses *a* and *b* of subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943*, are repealed and the following substituted therefor:

(*a*) where the widow or an invalid husband is the sole dependant, a monthly payment of $50, or if the workman's average earnings are less than $50 per month, the amount of such earnings; and

(*b*) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of $62 for the widow or invalid husband and one child irrespective of the amount of the workman's earnings, with a further monthly payment of $12 for each additional child unless the total monthly compensation exceeds the workman's average earnings in which case the compensation shall be a sum equal to such earnings or $62 whichever is the greater, the share for each child entitled to compensation being reduced proportionately.

3. Section 42 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 42, re-enacted.

42. Notwithstanding anything to the contrary contained in Part I, the amount of compensation to which an injured workman shall be entitled shall not be less than,— Minimum amount of compensation.

(*a*) for temporary total disability,

(i) where his average earnings are not less than $15 a week, $15 a week, and

(ii) where his average earnings are less than $15 a week, the amount of such earnings,

and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity; and

(*b*) for permanent total disability where the workman is unable to engage in any gainful occupation,

(i) where his average earnings are not less than $100 a month, $100, and

(ii) where his average earnings are less than $100 a month, the amount of such earnings.

4. Section 43 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Act*, Rev. Stat., c. 204, s. 43, amended.

1943, is further amended by adding thereto the following subsection:

Average earnings of apprentice.

(7) Where a workman is an apprentice or in the course of learning a trade, occupation, profession or calling and his remuneration is of a nominal nature, the Board may for the purposes of this Act determine his average earnings at an amount which it deems fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling, and the employer of the workman shall be liable to pay assessment to the Board on the earnings so determined.

Rev. Stat., c. 204, s. 50, subss. 1, 2, 3, 5, 6, 7, re-enacted.

5. Subsections 1, 2, 3, 5, 6 and 7 of section 50 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1939*, section 5 of *The Workmen's Compensation Amendment Act, 1944*, and subsections 1 and 3 of section 3 of *The Workmen's Compensation Amendment Act, 1946*, are repealed and the following substituted therefor:

Medical and surgical aid during disability.

(1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and in the discretion of the Board where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat., c. 229.

"Medical aid",— meaning of.

(2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

Replacement or repair of artificial members and apparatus.

(3) The Board may pay and where the employer is individually liable the Board may order the employer to pay for the replacement or repair of artificial members or apparatus damaged as a result of an

accident arising out of and in the course of the employment.

Payment for medical aid.

(4) Medical aid shall be furnished or arranged for by the Board or as it may direct or approve and,—

(*a*) in the industries in Schedule 1, shall be paid out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

(*b*) in the industries in Schedule 2, the amount shall be paid by the employer of the injured workman to the Board for payment.

Accidents on or after Jan. 1st, 1915.

(5) A workman shall be entitled to such medical aid as may be necessary on or after the 1st day of January, 1947, for an accident happening on or after the 1st day of January, 1915.

Questions to be determined by Board.

(6) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the Board.

Amount of charges.

(7) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill, and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for.

Contributions from employees forbidden.

(8) It shall not be lawful for any employer, directly or indirectly, to collect or receive or retain from any workman any contribution toward the expense of medical aid, and every person contravening this provision shall be guilty of an offence and for every such contravention shall be liable to a penalty not exceeding $50 and shall also be liable, upon the order of the Board, to reimburse the workman treble the amount of any sum so collected, received or retained.

Penalty.

6. Subsection 3 of section 67 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1945*, is repealed.

Rev. Stat., c. 204, s. 67, subs. 3, repealed.

7.—(1) *The Workmen's Compensation Act* is amended by adding thereto the following section:

Rev. Stat., c. 204, amended.

Superannuation Fund.

67*a*.—(1) There shall be a fund known as The Workmen's Compensation Board Superannuation Fund for the

payment of superannuation allowances or allowances upon the death or disability of an employee or member of the Board.

Regulations.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

(*a*) providing for contributions to the Superannuation Fund by the Board and by its members and employees;

(*b*) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the Superannuation Fund and the persons to whom the superannuation or other allowance may be paid.

Cost of administering Fund.

(3) The cost of maintaining and administering the Superannuation Fund shall be deemed part of the cost of the administration of the Act and shall be chargeable to the accident fund.

Moneys held by board of trustees.

(2) The board of trustees established by certain regulations of the Board passed on the 29th day of May, 1940, and approved by the Lieutenant-Governor in Council on the 11th day of June, 1940, shall pay into The Workmen's Compensation Board Superannuation Fund all moneys, securities and assets which they hold as trustees under the said regulations.

Agreement, deed of trust rescinded.

(3) The memorandum of agreement and deed of trust made between The Workmen's Compensation Board and the said board of trustees and dated the 26th day of June, 1940, is rescinded.

Commencement and effect.

(4) Section 6 and this section, together with the regulations first made under section 67*a* of *The Workmen's Compensation Act* as enacted by this Act, shall be deemed to have had effect on and after the 1st day of July, 1940.

Rev. Stat., c. 204, s. 90, subs. 1, amended.

8. Subsection 1 of section 90 of *The Workmen's Compensation Act* is amended by striking out all the words after the word "require" in the tenth line and inserting in lieu thereof the words "both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate", so that the said subsection shall now read as follows:

Statements to be furnished by employers.

(1) Subject to the regulations every employer shall yearly on or before such date as shall be prescribed by the

Board, and at such other time or times as it may by order or regulation of the Board be required, prepare and transmit to the Board a statement of the amount of the wages earned by all his employees during the year then last past or any part thereof specified by the Board and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Board, and such additional information as the Board may require, both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate.

Rev. Stat., c. 204, s. 115, subs. 9 (1942, c. 41, s. 4, subs. 3), repealed.

9. Subsection 9 of section 115 of *The Workmen's Compensation Act*, as re-enacted by subsection 3 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is repealed.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1947*.

PART II
PRIVATE ACTS
Chapters 120 to 143

CHAPTER 120.

An Act respecting the Town of Brampton.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble

WHEREAS the Corporation of the Town of Brampton by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Chinguacousy to the Town of Brampton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation order confirmed.

1.—(1) Order P.F. B-5938 of the Ontario Municipal Board dated the 11th day of February, 1947, set out as schedule A hereto, is hereby confirmed.

Effective date.

(2) The said order shall be deemed to have come into effect on the 31st day of December, 1946.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Brampton Act, 1947*.

SCHEDULE A

P.F. B-5938

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Eleventh day of February, A.D. 1947.

BEFORE:
R. S. COLTER, Esq., K.C., Chairman, and

W. P. NEAR, Esq., B.A.Sc., Commissioner.

IN THE MATTER of Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), and amendments thereto, and

IN THE MATTER OF the application of the Corporation of the Town of Brampton, for annexation to the Town of Brampton, of parts of the Township of Chinguacousy.

UPON THE APPLICATION of the Corporation of the Town of Brampton and upon reading a certified copy of By-law number 1159 passed on the 2nd day of December, 1946, authorizing an application herein, and the Board pursuant to appointment and notice thereof as directed having this day heard what was alleged by M. Sybil Bennett, K.C., Counsel for the Applicant, and C. H. Bowyer, K.C., Solicitor for the Township, and upon consideration of the evidence adduced, and proof of notice of the Hearing having been duly filed,

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of Chinguacousy in the County of Peel described in the Schedule hereto, be and the same are hereby annexed to the Town of Brampton and shall form part of the West Ward thereof.

All adjustment of assets and liabilities as between the Municipalities, including the County of Peel, affected by this Order shall be as agreed upon, and in default of agreement as The Municipal Board may deem equitable.

At the request of the Solicitor for the Applicant the Board recommends that this annexation shall take effect on and from the 31st day of December, 1946.

This Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

(Signed) R. S. COLTER,
Chairman.

(Seal)

Schedule

The following is a description of the lands referred to in the Order of the Ontario Municipal Board hereunto annexed.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Township of Chinguacousy, in the County of Peel, and Province of Ontario, and being composed of the West Half of Lot Number Seven (7) in the First Concession, West of Hurontario Street, in the said Township of Chinguacousy, EXCEPTING THEREOUT AND THEREFROM all that part of the West Half of the West Half of the said Lot Number Seven, (7) lying north of the right-of-way of the Canadian National Railway.

CHAPTER 121.

An Act respecting the Township of Calvert.

Assented to October 30th, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Township of Calvert by its petition has prayed for special legislation in respect of an Order of the Ontario Municipal Board annexing certain unorganized townships to the Township of Calvert; and whereas it is expedient to grant in part the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation order confirmed,—saving.

1.—(1) The annexation to the Township of Calvert of the unorganized townships of McCart, Dundonald, Clergue, Walker (except the South half of Concession One thereof), Rickard and Wilkie, pursuant to Order P.F. B-4247 of the Ontario Municipal Board dated the 22nd day of March, 1946, set out as schedule A hereto, is hereby confirmed except as provided in subsection 2.

Annexation order amended.

(2) The said Order is hereby amended by deleting therefrom all reference to the township of Teefy and accordingly the township of Teefy shall not be annexed nor be deemed to have been annexed to the Township of Calvert.

Assessments validated.

2. Notwithstanding the judgment of the Judge of the District Court of the District of Cochrane, pronounced on the 15th day of April, 1947, in a proceeding intituled "In the Matter of Appeal from the Court of Revision of the Township of Calvert, Abitibi Power & Paper Company, Limited, Appellant, and The Corporation of the Township of Calvert, Respondent", the assessments made in the said unorganized townships of McCart, Dundonald, Clergue, Walker (except the South half of Concession One thereof), Rickard and Wilkie in the year 1946 for taxation in the year 1947 by the assessor of the Township of Calvert, as modified in amount upon appeal by the said Judge, are declared to be valid and binding.

Elections and acts validated.

3. The elections of the council of the Corporation of the Township of Calvert and of all public and separate school boards in the said unorganized townships and in the Township of Calvert in 1946 to hold office in 1947 are hereby declared legal and valid and all acts of the said council and boards in 1947 shall be as valid and effective as if no defect had existed in the said elections or any of them.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Calvert Act, 1947*.

SCHEDULE A

THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-second day of March, A.D. 1946.

P.F. B-4247.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman.

W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and

W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF SECTION 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266) and

IN THE MATTER OF an Application by the Corporation of the Township of Calvert for annexation thereto of the Unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1, thereof), Rickard and Wilkie, and

IN THE MATTER OF the said Corporation's By-law No. 431, passed on the 5th day of November, A.D. 1945.

UPON THE APPLICATION of the said Corporation, and upon consideration of the material filed;

THE BOARD ORDERS, under and in pursuance of the provisions of Section 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266);

THAT all of the unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1 thereof), Rickard and Wilkie, be and the same are hereby annexed to the Township of Calvert, such annexation to take effect as of Midnight, the 31st day of December, 1946.

AND THE BOARD FURTHER ORDERS that the Assessor for the Township of Calvert shall include, in his Assessment Roll to be prepared in the year 1946, all properties within the said Unorganized Townships liable to be assessed for the payment of taxes in 1947. From said Assessment Roll the Clerk of the Township of Calvert shall include in his Voters List the names of all those within the said Unorganized Townships who may be entitled to vote at a Municipal election, and those persons shall be entitled to vote at the Municipal election for the election of Members of the Council for the year 1947.

R. S. COLTER,
Chairman.

(Seal)

CHAPTER 122.

An Act respecting the Town of Campbellford.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Campbellford by its petition has represented that a parcel of land 330 feet square at what otherwise would have been the junction of Market and Rear Streets was dedicated as "Market Reserve" and that the use thereof is restricted; and whereas the petitioner has prayed for special legislation to vest in fee simple the said "Market Reserve", other than the highways therein, in the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Market Reserve vested in Corporation.

1.—(1) The lands, other than highways, composing the Market Reserve, as the same appears on the Town Plan, are hereby vested in fee simple in the Corporation of the Town of Campbellford.

Division into lots.

(2) Each of the four parcels into which the said lands are now divided shall be divided into two equal lots numbered as follows, in each case commencing at the North, viz.: on the East side of Rear Street, Numbers 18 and 17 in Block "I" and Numbers 16 and 15 in Block "H", and on the West side of Rear Street, Numbers 18 and 17 in Block "E" and Numbers 16 and 15 in Block "D".

Restrictions annulled.

(3) All trusts, special purposes and restrictions created or arising out of the dedication of the said lands are hereby annulled.

Power to sell, etc.

(4) Notwithstanding any such trusts, special purposes and restrictions created or arising out of such dedication, the said Corporation shall have power to sell, lease, convey and contract in regard to the said lands.

Execution of documents.

(5) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation and signed by the Mayor and Clerk thereof for the time being.

Application of proceeds.

(6) The proceeds of every disposition by the said Corporation of the said lands shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Campbellford Act, 1947.*

CHAPTER 123.

An Act respecting the Town of Dundas.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble. WHEREAS the Corporation of the Town of Dundas by its petition has prayed for special legislation in respect of the celebration of the centenary of the incorporation of the Town of Dundas, it having been incorporated by an Act entitled *An Act to incorporate the Town of Dundas*, being chapter 45 of the Statutes of the Province of Canada, 1847; and whereas it is expedient to grant the prayer of the said petition; 1847, c. 45.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to expend $7,000 for centenary celebration. **1.**—(1) The council of the Corporation of the Town of Dundas may appropriate and expend the sum of $7,000 out of the current revenues of the Corporation in celebration of the centenary of the incorporation of the Town of Dundas and may by resolution provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the Town of Dundas as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee.

Reserve of $3,000. (2) Notwithstanding the provisions of subsection 1, if the committee expends more than $7,000 the council may pay additional sums not exceeding $3,000 out of the current revenues, which amount shall be held by the council in reserve for such eventuality.

Revenues to be paid to clerk. (3) The net revenues derived by the committee from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the Town of Dundas and such revenues shall form part of the current revenues of the Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Dundas Act, 1947*

CHAPTER 124.

An Act respecting the City of Fort William.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble. 1942, c. 45.

WHEREAS the Corporation of the City of Fort William by its petition has represented that under *The City of Fort William Act, 1942*, the only proceeding has been the naming of Anglo-Canadian Associates Limited as trustee by the Ontario Municipal Board; and whereas the said Corporation does not now intend to re-subdivide the said lands as provided for in the said Act and desires the said lands to be revested in those otherwise entitled thereto; and whereas the said Corporation has prayed for special legislation repealing the said Act and nullifying its effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1942, c. 45, repealed.

1.—(1) *The City of Fort William Act, 1942*, is repealed.

Effect of repeal.

(2) The repeal of the said Act shall have the same effect as if the said Act had not been passed.

Lands revested.

(3) The lands defined in the said Act are revested in the persons entitled thereto as if the said Act had not been passed.

Short title.

2. This Act may be cited as *The City of Fort William Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 125.

An Act respecting the Town of Goderich.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Goderich by its petition has represented that the Canada Company did by deed dated the 26th day of April, 1854, release and convey to the municipal council of the Town of Goderich that part of the Town of Goderich known as the "Market Square" for the purpose of a market place and that the municipal council of the Town of Goderich did by deed dated the 8th day of February, 1947, convey to the municipal council of the County of Huron a part of the said Market Square for the purpose of erecting a new court house thereon; and whereas doubts have arisen as to the power of the municipal council of the Town of Goderich to make the said conveyance; and whereas the petitioner has prayed for special legislation to remove these doubts by validating the said conveyance; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Conveyance of part of Market Square to County validated.

1. The conveyance made by deed dated the 8th day of February, 1947, by the municipal council of the Town of Goderich to the municipal council of the County of Huron of part of the land known as the "Market Square" in the Town of Goderich, more particularly described in the said deed, is and shall be deemed to have been from the 8th day of February, 1947, legal and valid.

Short title.

2. This Act may be cited as *The Town of Goderich Act, 1947.*

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 126.

An Act respecting the City of Guelph.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the City of Guelph by its petition has prayed for special legislation to ratify and confirm its title to certain lands in the City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Title to certain lands confirmed.

1. The title of the Corporation of the City of Guelph to the lands described as being:

> ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario, being composed of Part of Gordon Street as shown on the Canada Company's Survey of the Town, now the City, of Guelph, and Part of Park Lot "A" according to the said Canada Company's Survey, and which said parcel or tract of land and premises may be more particularly described as follows: Commencing at a point in the Northeasterly limit of Gordon Street distant Two Hundred feet and Eighty-two One-hundredths of a foot (200.82) measured on a bearing of South 64 degrees East along the said limit from its intersection with the Southeasterly limit of Wellington Street; thence South 64 degrees East a distance of One Hundred and Forty-nine feet and Sixty-four One-hundredths of a foot (149.64) to a point being the original angle of Gordon Street; thence South 7 degrees East along the original Easterly limit of Gordon Street One Hundred and Eighty-three and Forty-eight One-hundredths (183.48) feet to a point on Gordon Street; thence North 24 degrees West Twenty-three and Thirty-four One-hundredths (23.34) feet to a point; thence North 33 degrees 12 minutes West Two Hundred and Seventy and Fifteen One-hundredths (270.15) feet more or less to the place of beginning.

is hereby ratified and confirmed and the said lands are hereby vested in the said Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Guelph Act, 1947.*

CHAPTER 127.

An Act respecting The Hamilton Street Railway Company.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the company by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being chapter 100 of the Statutes of Ontario, 1873; whereas the said Act was amended by *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893; whereas the company has prayed for special legislation with respect to its powers, the issuing of bonds, debentures and other securities and the conversion of its transportation system, and to validate By-law No. 5124 of the City and a certain agreement between the City and the company; and whereas it is expedient to grant the prayer of the said petition;

1873, c. 100.

1893, c. 90.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act and in the provisions of the Acts referred to in the preamble that are amended or re-enacted by this Act,—

"company";

(*a*) "company" shall mean The Hamilton Street Railway Company;

"Board";

(*b*) "Board" shall mean the Ontario Municipal Board;

"bonds, debentures or other securities";

(*c*) "bonds, debentures or other securities" shall mean bonds, debentures, debenture stock, equipment trust certificates or bonds, or any other securities, or other obligations of the company secured by mortgage of or charge upon the assets of the company or any part thereof, or by any contract evidencing the lease, conditional sale or bailment of rolling stock or equipment of the company;

"City";

(*d*) "City" shall mean the Corporation of the City of Hamilton; and

"trolley coach".

(*e*) "trolley coach" shall include trackless trolley and trolley bus.

1873, c. 100, s. 8, amended.

2.—(1) Section 8 of the Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being chapter 100 of the Statutes of Ontario, 1873, is amended by striking out the proviso commencing in the sixteenth line.

1873, c. 100, s. 13, re-enacted.

(2) Section 13 of the said Act is repealed and the following substituted therefor:

Payment of fares.

13. Fares shall be due and payable upon demand by every passenger on entering, travelling on, or leaving a street railway car, trolley coach, motor bus or other vehicular means of transportation operated by the company; and any person refusing to pay the fare when demanded by the conductor, operator, driver, or other company representative, and refusing on demand to quit the street railway car, trolley coach, motor bus or other vehicular means of transportation, shall be guilty of an offence and liable to a fine of not less than $5, recoverable under *The Summary Convictions Act*.

1893, c. 90, s. 3, re-enacted.

3.—(1) Section 3 of the Act entitled *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, is repealed and the following substituted therefor:

By-laws,—

3.—(1) The directors of the company may from time to time make by-laws, subject to the approval of the Provincial Secretary, for,—

increasing or decreasing capital stock;

(*a*) increasing or decreasing the capital stock of the company to such amount or amounts as the company may require;

creating preference or other classes of shares;

(*b*) creating and issuing any part of the capital as preference shares or any other class of shares;

conversion of shares, debentures;

(*c*) converting common shares into preference shares or preference shares into common shares or debentures or debenture stock; debentures into debenture stock or preference shares or any class of shares or securities into any other class;

fixing par value of any class of shares;

(*d*) fixing the par value of any class of shares issued or to be issued by the company, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946;*

1946, c. 36.

(*e*) redividing the capital of the company into shares of smaller or larger amount; — rediviing shares;

(*f*) changing all or any of the company's previously authorized shares with par value, issued or unissued, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946*, into the same or a different number of shares of any class or classes without par value; — changing shares from par value to no par value;

(*g*) changing all or any of the company's previously authorized shares without par value, issued or unissued, into the same or a different number of shares of any class or classes with par value; — from no par value to par value;

(*h*) classifying or re-classifying any of the company's shares, either with or without par value; — classifying shares;

(*i*) consolidating or subdividing any of the company's shares either with or without par value. — consolidating or subdividing shares.

(2) A by-law passed in pursuance of the exercise of any of the powers set out in subsection 1 may provide that the holders of such shares, debentures or debenture stock shall have such preference as regards dividends and repayment on dissolution or winding up as may be therein set out, and the right to select a stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient, or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law, and may provide for the purchase or redemption of such shares, debentures or debenture stock by the company as therein set out, but any term or provision of such by-law, whereby the rights of holders of such shares, debentures or debenture stock are limited or restricted, shall be fully set out in the certificate of such shares, debentures or debenture stock and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof. — By-law for issue of shares, etc.

(2) Sections 4, 5, 6, 7 and 8 of the said Act are repealed and the following substituted therefor: — 1893, c. 90, ss. 4, 5, re-enacted; ss. 6, 7, 8, repealed.

4.—(1) The company from time to time may create and issue, — Power to issue securities.

issue, or cause to be created and issued bonds, debentures or other securities to an aggregate principal amount not exceeding the sum of $5,000,000, bearing such date or dates, carrying interest at such rate or rates, payable in such currency or currencies and on such date or dates, containing such terms and conditions and to be issued from time to time in one or more series as the directors may determine. The power of issuing bonds, debentures or other securities conferred by this section shall not be exhausted by any issue; but any bonds, debentures or other securities purchased, redeemed or cancelled may be re-issued, or new bonds, debentures or other securities may be issued in the place and stead of such bonds, debentures or other securities purchased, redeemed or cancelled; but in no case shall the sum of $5,000,000 be exceeded at any one time.

Continuance of right to issue securities.

Application of proceeds of securities.

(2) The net proceeds of all or any of the bonds, debentures or other securities, issued in pursuance of the power by this section conferred, shall from time to time be expended for the general purposes of the company and more specifically in the purchase or acquisition of trolley coaches, motor buses, street cars and other vehicular means of transportation operated as part of or in connection with the railway, or accessories therefor; in the conversion of the railway to a trolley coach system and more particularly but in no way limiting the said conversion, to replace and remove poles, to remove all overhead lines and structures, to construct a trolley coach overhead and feeders to supply electrical energy, to purchase overhead material and spun wire; to remove, in accordance with the arrangements with the City more particularly set out in schedule B to *The Hamilton Street Railway Act, 1947*, the physical property of the company including street railway tracks, necessary cross-overs, single tracks and side tracks, diamonds at intersections with tracks of railway companies, turnouts and switches located upon any street upon which the company operates; to erect or acquire buildings, machinery, lands, other necessary plant, fixtures and materials from time to time required for the purposes of the company and in the building of any extension of the railway authorized to be undertaken by the company or in the payment of any liability of the company, or debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of the said Act.

Power to mortgage property to secure bonds, etc.

(3) For the purpose of securing the payment of the said

 bonds,

bonds, debentures, or other securities, and interest thereon, and all other moneys secured or intended to be secured thereby or by deed of trust, mortgage or other instrument, the directors of the company, if authorized by by-law, may charge, hypothecate, mortgage or pledge in favour of a trustee for the holders of the said bonds, debentures or other securities, the undertaking, any or all of the real or personal property, including all land, and interest in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, rents, tolls, revenues, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company, at any time acquired, by way of a fixed and specific or floating charge or charges thereon in favour of the trustee.

Form of mortgage, etc.

(4) The deed of trust, mortgage or other instrument creating and evidencing such charge, hypothecation, mortgage or pledge shall be in such form and shall contain such covenants, agreements, stipulations, provisoes and conditions, including sinking fund provisions and provisions for the calling or redemption of the bonds, debentures or other securities, as the directors may determine, and the board of directors of the company shall have power to authorize one or more of their number to determine and approve of the form of the said deed of trust, mortgage or other instrument.

Raising money on securities.

(5) The directors of the company may issue, sell, pledge, hypothecate and otherwise dispose of the whole or any part or parts of the said bonds, debentures or other securities, or of any series forming part of the authorized issue, on such terms and conditions, and at such price or prices and either at par or at a discount or at a premium as they may deem advisable.

Power to perform all acts re issue of securities, etc.

(6) The directors of the company are hereby authorized and empowered to do and perform or cause to be done and performed all such acts, matters and things, and to execute and cause to be executed or authorize the execution by such person or persons and in such manner as they may see fit, of all such bonds, debentures or other securities, coupons, transferable interim certificates, acknowledgments, receipts, deeds, assignments, covenants and assurances as they may deem necessary or advisable in connection with the creation, issue, sale, pledge or other disposition of the said bonds, debentures or other securities and the

securing thereof by proper and sufficient instrument or instruments.

Power to dispose of lands and personal property no longer required.

(7) The company may from time to time sell and dispose of any of its lands and personal property, which it shall find unsuitable or unnecessary for the purposes of the company, subject to the provisions of any then existing deed of trust, mortgage or other instrument.

Confirming by-laws.

5. A by-law for any of the purposes of section 3 or 4 shall take effect only upon being confirmed by a vote of shareholders present, or represented by proxy and holding not less than two-thirds of the issued capital stock represented at a special general meeting duly called for considering the same.

By-law No. 5124 confirmed.

4. By-law No. 5124 of the City passed on the 30th day of July, 1940, entitled a by-law "To authorize the Execution of an Agreement between The Corporation of the City of Hamilton and The Hamilton Street Railway Company", set forth as schedule A hereto, and the Agreement dated the 3rd day of July, 1940, set out as schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the City for the full and proper carrying out of the provisions of the said Agreement.

Powers of company.

5.—(1) The company has power and authority,—

(*a*) to operate the sole transportation system in the City, and a transportation system in any other municipalities by means of the operation of electric cars running either on metal tracks or without tracks, trolley coaches and motor buses and any system for the operation of vehicles for the carriage of passengers approved by the council of the City, or of other municipalities, or by the Board. Such transportation system within the City shall be the "System" referred to in the Agreement set out as schedule B hereto, and trolley coaches shall be deemed to be buses within the meaning of the said Agreement but the company shall not be required to remove the poles, wire and other overhead structures from the highways upon which the trolley coaches of the company are operated, or are proposed to be operated;

(*b*) to abandon the operation of its electric street railway service either in whole or in part, and substitute therefor a trolley coach service, or a motor bus service, or a service provided by any other vehicular means of transportation, and such change in the type of transportation shall be pursuant to the Agreement set forth in schedule B hereto and such other agreements as may be entered into with the City;

(*c*) to acquire, equip, maintain and operate trolley coaches, motor buses and any other types of vehicles, and accessories therefor;

(*d*) to construct, maintain, and operate a trolley coach system, with the necessary pole line, overhead structure, and feeder to supply energy, and any other materials required for the purpose of construction, operation or replacement, upon and along highways within the City or other municipalities, and to take, transport, and carry passengers and freight upon the same, by electricity, gasoline, oil or such other motive power, as it may be authorized under and subject to any agreement presently in force or hereafter to be made with the City or other municipalities, under and subject to any by-laws of the City or other municipalities, and generally to do all acts and enter into all contracts which the company deems advisable, with respect thereto;

(*e*) subject to *The Highway Traffic Act* and *The Public Vehicle Act* and the regulations made under the said Acts, to operate public vehicles hired for the purpose of conveying persons on a special trip or special return trip from the City or other municipalities in which the company operates transportation facilities, and to make charges in connection therewith.

Past exercise of powers confirmed.

(2) The exercise, prior to the coming into force of this Act, by the company of any of the powers mentioned in this section is hereby validated and confirmed.

Power to acquire shares, etc., in other companies.

6. The company is authorized to take, or otherwise acquire and hold shares, bonds or other securities of any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company.

Director interested in a contract with the company.

7.—(1) Subject to the provisions of this section, it shall be the duty of a director of the company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with another company to declare his interest at a meeting of directors of the company.

At what meeting declaration to be made.

(2) In the case of a proposed contract the declaration required by this section to be made by a director shall be made at the meeting of directors at which the question of entering into the contract is first taken into consideration, or if the director is absent from such meeting then at the first meeting thereafter at which he is present, or if the director is not at the date of that meeting interested in the proposed contract, at the next meeting of directors held after he becomes so interested, and, in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of directors held after the director becomes so interested, and, in a case where the director is interested in a contract made prior to the coming into force of this Act, the said declaration shall be made at the first meeting of directors held after the coming into force of this Act.

What deemed sufficient declaration.

(3) For the purposes of this section, a general notice given to the directors of the company by a director to the effect that he is a shareholder of or a director of or otherwise interested in any other company or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract heretofore or hereafter made.

Director not to vote if interested.

Exception.

(4) No director shall vote in respect of any contract or proposed contract in which he is so interested as aforesaid and if he does so vote his vote shall not be counted, provided that this prohibition shall not apply in the case of any contract by or on behalf of the company to give to the directors or any of them security for advances or by way of indemnity.

When director not accountable.

(5) If a director has made a declaration of his interest in a contract or proposed contract in compliance with this section and has not voted in respect of such contract contrary to the prohibition contained in subsection 4, where such prohibition applies, or in a case of a director being interested in a contract made prior to the coming into force of this Act if he has made a declaration of his interest in a contract at the first meeting of directors held after the coming into force of this Act, such director shall not be accountable to the company or any of its shareholders or creditors or other persons for any profit realized by such director by reason only of such director holding that office or of the fiduciary relationship thereby established for any profit realized by such contract, nor shall such director thereby be disqualified as a director of the company, nor shall a contract thereby entered into by the company be deemed voidable or void.

(6) For the purposes of this section the expression "contract" includes an arrangement and the expression "meeting of directors" includes a meeting of an executive committee. "Contract" and "meeting of directors" defined.

(7) Nothing in this section shall impose any liability upon a director in respect of the profit realized by any contract which has been confirmed by the vote of the shareholders of the company at a special general meeting called for that purpose. No liability when contract confirmed.

8. Notwithstanding this Act, any new franchise agreement or any renewal of any existing franchise agreement shall be subject to *The Municipal Franchises Act.* New franchises, etc. Rev. Stat., c. 277.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Hamilton Street Railway Act, 1947.* Short title.

SCHEDULE A

BY-LAW No. 5124

To authorize the Execution of an Agreement between the Corporation of the City of Hamilton and The Hamilton Street Railway Company.

The Council of The Corporation of the City of Hamilton enacts as follows:—

1. That the Agreement dated the 3rd day of July, 1940, between The Corporation of the City of Hamilton and The Hamilton Street Railway passed by the Council of said City on 3rd July, 1940, is hereby approved and confirmed.

2. The Mayor and the Clerk of the said Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 30th day of July, A.D. 1940.

(Signed) J. F. BERRY,
City Clerk.

(Signed) WM. MORRISON,
Mayor.

SCHEDULE B

THIS AGREEMENT dated the 3rd day of July, A.D. 1940.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON (hereinafter called the "City"),

OF THE FIRST PART,

—and—

THE HAMILTON STREET RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART;

WHEREAS the Company owns and operates in the City of Hamilton a transportation system with street cars and buses which is hereinafter called the "System";

AND WHEREAS in connection with the System, the City passed certain by-laws more particularly by-laws Numbers 624 in 1892, 955 in 1898, and 3336 in 1926, and entered into agreement with the Company in respect of certain of the by-laws;

AND WHEREAS at the request of the City the Company as a temporary experiment has been operating a bus service on York Street instead of street cars and the City desires the cessation of street car service on York Street and substitution of bus service therefor;

AND WHEREAS from time to time changes from street cars to buses may be desired on other routes;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Company shall change the type of transportation service on York Street from street cars to buses:

2. The City assents to the change from street cars to buses heretofore made on York Street, but such assent shall not be construed as approval of the sufficiency of same:

3. From time to time if either party requests and the other party approves, the Company may change the type of transportation service from street cars to buses on any route and part of an existing route may be deemed a route; for any such request or approval by the City a by-law of council shall be sufficient evidence of authority; if either party requests in writing such change and the other party does not approve within one month after receipt of said request in writing, the matter shall be determined by the Ontario Municipal Board or any other body subject to Provincial jurisdiction that may at that time have the powers of that Board in respect of this matter and there shall be considered the costs to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions:

4. Where the service on any route has been changed from street cars to buses, the Company shall not be required to change again to street cars unless the Ontario Municipal Board or said other body orders such change to street cars after a hearing before it when it shall consider the cost to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions; in the event of the Company ceasing to operate street cars on a route which has been changed to the operating of buses this shall not be deemed a ceasing to operate the railway or system or any default on the part of the Company or any cause of forfeiture:

5. The fares on the buses on any such route and the transfer privileges from and to the said buses shall be the ordinary fares and privileges, i.e., the same as if street cars were being operated instead of buses.

6. Wherever the Company under this agreement ceases entirely to operate street cars on any street or part of a street,

(*a*) the Company at its own expense shall remove all of its rails except where the flat base part remains in place by agreement of both parties, and also all of its poles, wire and other overhead structures except to the extent that the same are necessary for operation of street cars on other routes but shall not be responsible or liable for removal of anything else which shall be at the option and expense of the City;

(*b*) the City and the Company shall pay equally and shall be jointly responsible for the new pavement where rails have been removed as aforesaid;

(*c*) the City shall be solely responsible for the repair of its streets and also for the removal of snow and ice and the Company shall not be liable for any part of this work or of the cost thereof:

7. The said bus route on York Street and the other routes for street cars and for buses operated by the Company at the date of this agreement are approved and confirmed by the City:

8. The right of the City, under clause 15 of said By-law 624 and amendments thereof, to assume ownership of the railway and of all real and personal property in connection with the working thereof, shall be suspended until the 22nd day of December, 1963, which shall be the earliest date on which the City shall be entitled to exercise the said right:

9. This agreement is in amendment of the said by-laws and agreements, more particularly by-laws Nos. 624, 955 and 3336, and the said by-laws and agreements, so far as they are in force, shall, subject as herein modified, remain in full force and effect:

10. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming this agreement and declaring the same to be legal, valid and binding upon the parties hereto; the expense of such legislation shall be borne equally by the Company and the City:

In Witness Whereof the parties hereto have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

Signed, Sealed and Delivered in the presence of:	The Corporation of the City of Hamilton
Approved— A. J. Polson, (Seal) *City Solicitor.*	Wm. Morrison, *Mayor.*
	J. F. Berry, *Clerk.*
Approved— 2nd August, 1940. W. George Hanna, *Solicitor.* August 6th, 1940. R. T. Jeffery, *Chief Mun. Engineer.*	The Hamilton Street Railway Company. T. H. Hogg, *President.* (Seal) Osborne Mitchell, *Secretary.*

CHAPTER 128.

An Act respecting the Town of Hespeler.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Hespeler by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Waterloo to the Town of Hespeler; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation order confirmed.

1.—(1) Order P.F. B-5967 of the Ontario Municipal Board dated the 25th day of February, 1947, set out as schedule A hereto, is hereby confirmed.

Effective date.

(2) The said order shall be deemed to have come into effect on the 25th day of February, 1947.

Assessment and taxation.

2. The lands annexed to the Town of Hespeler, when added to the assessment rolls of the Town of Hespeler for the year 1947 pursuant to the said order, shall be assessed and all proceedings shall be taken under *The Assessment Act* as if the lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation in the year 1948 at the same rate as other lands in the Town of Hespeler.

Rev. Stat., c. 272.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Town of Hespeler Act, 1947.*

1 SCHEDULE

SCHEDULE A

P.F. B-5967

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 25th day of February, A.D. 1947.

BEFORE:
R. S. COLTER, ESQ., K.C., Chairman.
W. P. NEAR, ESQ., B.A.Sc., Vice-Chairman, and
W. J. MOORE, ESQ., O.L.S., Member.

IN THE MATTER of Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), as amended, and

IN THE MATTER of the Application of the Corporation of the Town of Hespeler for annexation thereto of certain parts of the Township of Waterloo.

UPON THE APPLICATION of the Corporation of the Town of Hespeler and upon reading its By-law No. 811 passed on the 16th day of January, A.D. 1947, authorizing an application to this Board to have two parts of the Township of Waterloo annexed to the Town of Hespeler, and upon holding a public hearing at the Court House in the City of Kitchener on Tuesday, the twenty-fifth day of February, A.D. 1947, for the purpose of inquiring into the merits of the application and of hearing any objections which any person might desire to bring to the attention of the Board, and upon being satisfied that notice of such hearing had been given as directed by the Board, and upon hearing what was alleged by G. M. Bray, counsel for the Corporation of the Town of Hespeler,

THE BOARD ORDERS, under and in pursuance of the provisions of section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) as re-enacted by section 2 of *The Municipal Amendment Act, 1939* (S.O. 1939, Chapter 30) and amended by section 3 of *The Municipal Amendment Act, 1946* (S.O. 1946, Chapter 60), that those parts of the Township of Waterloo, in the County of Waterloo, described in Schedule "A" to this Order, be and the same are hereby annexed to the Town of Hespeler on the following terms:

1. That from and after the day fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order those parts of the said Township of Waterloo hereby annexed to the Town of Hespeler shall be added to the assessment rolls of the Town of Hespeler for the year 1947 upon which taxes will be levied in the year 1948;

2. That all taxes imposed by the Township of Waterloo upon the said lands up to the thirty-first day of December, 1947, and all arrears of taxes on the said thirty-first day of December, 1947, owing on the said lands shall belong to the Corporation of the Township of Waterloo;

3. That the Corporation of the Town of Hespeler shall have the right to collect all the said taxes belonging to the Corporation of the Township of Waterloo and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Hespeler, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Hespeler to the Corporation of the Township of Waterloo within six months after the date of collection;

4. That all rights, titles and interests of the Corporation of the Township of Waterloo in any of the said lands including all roads and streets and allowances therefor shall vest, from and after the day fixed for this

Order to take effect as aforesaid, in the Corporation of the Town of Hespeler;

5. That this Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

W. P. NEAR,
Vice-Chairman.

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Waterloo, in the County of Waterloo and Province of Ontario, and more particularly described as follows, that is to say: FIRST, being composed of part of lot number 8 in the second Concession, part lot number 138, lots number 139, 140, 141, 142, 143, and part of lots number 145, 146, 147, 148, 149, 150 and 153 according to the Registered Plan number 160 and part of Oak Street in the Lower Block of the Township of Waterloo, containing by admeasurement twenty and sixteen hundreds (20.16) acres more or less and which may be more particularly described as follows, that is to say: Commencing in the northerly limit of the said lot at its intersection with the easterly limit of Weaver Street in the Town of Hespeler, according to the Registered Plan number 160 produced south easterly; thence north seventy-six (76) degrees thirty (30) minutes east along the southerly limit of Edward Street and the southerly limit of the Town of Hespeler, eight hundred and thirty-eight and five tenths (838.5) feet; thence south, twelve (12) degrees fifty (50) minutes east, eight hundred and ten and six tenths (810.6) feet; thence south, seventy-seven (77) degrees nineteen (19) minutes west, nine hundred and one and one tenth (901.1) feet; thence north, twelve (12) degrees forty-one (41) minutes west, five hundred and seventy-eight and one tenth (578.1) feet; thence south, seventy-eight (78) degrees two (02) minutes west, six hundred and ninety-four and eight tenths (694.8) feet more or less to the southwest angle of lot number 139 according to the said Plan number 160; thence north, ten (10) degrees west along the easterly limit of Bechtel Street, two hundred (200) feet more or less to the southerly limit of the Town of Hespeler; thence along the same, north seventy-six (76) degrees thirty (30) minutes east, seven hundred and sixty (760) feet more or less to the place of beginning, which lands are now laid out on the plan registered in the Registry Office for the Registry Division of the County of Waterloo as Number 658, and SECOND, being composed of part of Lots number 8 and 9 in the second concession in Richard Beasley's Lower Block in the Township of Waterloo containing forty (40) acres more or less and described as follows: Commencing in the southerly limit of Queen Street in the Town of Hespeler at a stone monument one hundred and thirty-two (132) feet measured westerly along the same from its intersection with the westerly limit of Victoria Street; thence south fifty-two (52) degrees fifteen (15) minutes east along the westerly limit of the Town of Hespeler four hundred and fifty-four and one tenth (454.1) feet; thence along the same south eleven (11) degrees fifteen (15) minutes east, one hundred and thirty-two (132) feet to the southerly limit of the Town of Hespeler and the limit between the said lots number 8 and 9; thence south seventy-six (76) degrees thirty (30) minutes west along the limit between the said lots nine hundred and thirty-six (936) feet more or less to the northwesterly limit of the Galt and Hespeler Highway; thence along the same south forty (40) degrees west, two hundred and eighty-nine (289) feet; thence north sixty (60) degrees west, at right angles to the said Highway seven hundred and eighty-two (782) feet more or less to the southerly limit of the abandoned right of way of the Grand River Railway as described in the Registered Deeds No. 1433 and 26474; thence along the same and the southerly limit of the Hespeler Sewage Disposal Works south fifty-eight (58) degrees one (01) minute west one thousand and

ninety-two (1,092) feet; thence along the same on a curve to the left, with a radius of one thousand one hundred and thirty-one (1,131) feet, one hundred and eighty-five (185) feet more or less to a point one hundred (100) feet measured easterly at right angles from the easterly limit of the road between concessions number 1 and 2; thence north thirteen (13) degrees west, parallel with the easterly limit of the said concession road one hundred and sixty-four (164) feet more or less to the southerly bank of the River Speed; thence northeasterly along the same two thousand two hundred and fifty (2,250) feet more or less to the westerly limit of the Town of Hespeler; thence along the same south fifty-two (52) degrees fifteen (15) minutes, east, one thousand and ninety (1,090) feet more or less to the place of beginning.

CHAPTER 129.

An Act respecting the City of Kingston.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the City of Kingston by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Kingston and of the Village of Portsmouth to the City of Kingston; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation order confirmed.

1.—(1) Order P.F. B-4816 of the Ontario Municipal Board dated the 31st day of December, 1946, set out as schedule A hereto, is hereby confirmed.

Effective date.

(2) The said Order shall be deemed to have taken effect on the 1st day of January, 1947.

Assessment and taxation.

Rev. Stat., c. 272.

(3) The lands annexed to the City of Kingston, when added to the assessment rolls of the City of Kingston for the year 1946 pursuant to the said Order, shall be assessed and all proceedings shall be taken under *The Assessment Act* as if the lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation in the year 1947 at the same rate as other lands in the City of Kingston.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Kingston Act, 1947.*

1 SCHEDULE

SCHEDULE A

P.F. B-4816.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 31st day of December, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman, and

W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), and amending Acts thereto, and

IN THE MATTER OF the application of the Corporation of the City of Kingston for annexation to the City of Kingston of parts of the Township of Kingston and the Village of Portsmouth.

Upon the application of the Corporation of the City of Kingston, and upon reading its By-law No. 499, passed on the 30th day of December, 1946, amending its By-law No. 445 as amended by its By-law No. 453 authorizing the annexation of certain parts of the Township of Kingston and the Village of Portsmouth to the City of Kingston and it appearing that the Corporation of the Village of Portsmouth desires to annex to the City of Kingston that part of the Village of Portsmouth described in the By-law No. 499 of the City of Kingston, and upon being satisfied that notice of the hearing, held on the 27th day of June, 1946, at the Board's Chambers, had been given as directed, and no objection having been filed,

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of Kingston and those parts of the Village of Portsmouth in the County of Frontenac described in the schedule hereto be and the same are hereby annexed to the City of Kingston subject to the following terms and conditions:

1. That the said parts of the Township of Kingston and the said parts of the Village of Portsmouth be annexed to the City of Kingston from and after the date fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the City of Kingston for the year 1946 upon which taxes will be levied for the year 1947.

2. That all taxes imposed by the Township of Kingston and by the Village of Portsmouth upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Kingston and to the Corporation of the Village of Portsmouth respectively.

3. That the Corporation of the City of Kingston shall have the right to collect all the said taxes owing to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of Kingston, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same shall be paid over by the Corporation of the City of Kingston to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth respectively within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Kingston and of the Corporation of the Village of Portsmouth

in any of the said lands described in the schedule hereto including all roads, streets and allowances therefor, shall vest from and after the said date in the Corporation of the City of Kingston.

5. That the Corporations of the City of Kingston, the Township of Kingston, the Village of Portsmouth and the County of Frontenac shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this Order and, in the event of the parties hereto not being able to agree upon the adjustment of such assets and liabilities, then all such questions of adjustments may be referred to the Judge of the County Court of the County of Frontenac or such other person or persons as this Board may appoint, who shall make enquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Clauses (*a*), (*b*) and (*c*) of ss. 8 of Section 23 of the said *Municipal Act.*

6. The Board recommends that, having regard to the incidents of assessments and taxes, this annexation shall come into force on the 1st day of January, A.D. 1947.

R. S. COLTER,
Chairman.

(Seal)

Schedule "A"

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Province of Ontario, County of Frontenac, Township of Kingston, containing by admeasurement 55.3 acres be the same more or less, and being part of Township Lot 20 in the first concession of the said Township. Also Lots 26 to 135 inclusive as shown on Reg. Plan 209, also part of Carruthers Ave., Helen Street, Park Street, Westdale Ave., Franklin Place and Palace Road in the said Township, and part of Johnson Street (Raglan Street) as shown on Reg. Plan No. 54 of the Village of Portsmouth and which said parcels or tracts of land and premises may be more particularly described as follows:

Commencing at the intersection of the limit between Township Lots 20 and 21 with the southerly limit of Johnson Street; thence north 4 degrees and 2 minutes west along the said limits between Lots 20 and 21 (being the present westerly limit of the City of Kingston), a distance of 3,590 feet to the southerly limit of the King's Highways No. 33; thence south 83 degrees and 10 minutes west along the said last mentioned limit 679.5 feet to the westerly limit of Palace Road; thence south 4 degrees and 3 minutes east in and along the last mentioned limit and its production across Johnson Street a distance of 3,574.9 feet to the southerly limit of Johnson Street; thence north 84 degrees and 39 minutes east across Palace Road and along the southerly limit of Johnson Street a distance of 677.76 feet more or less to the point of commencement.

CHAPTER 130.

An Act respecting The Trustees of the Toronto House of Industry.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

WHEREAS The Trustees of the Toronto House of Industry by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the House of Industry of Toronto*, being chapter 35 of the Statutes of the Province of Canada, 1851, and that the said Act was amended by an Act entitled *An Act to amend the Act incorporating the Trustees of the Toronto House of Industry*, being chapter 96 of the Statutes of Ontario, 1887; and whereas the petitioner prays that the name of the corporation be changed; and whereas it is expedient to grant the prayer of the said petition; Preamble. Prov. of Can., 1851, c. 35. 1887, c. 96.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporate name of "The Trustees of the Toronto House of Industry" is hereby changed to "Laughlen Lodge, Toronto". Corporate name changed.

2. All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or shall hereafter be made to or in favour of or intended for, together with all the rights, powers and privileges of The Trustees of the Toronto House of Industry shall be held and enjoyed by Laughlen Lodge, Toronto. Effect of change of name.

3. This Act may be cited as *The Laughlen Lodge, Toronto, Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 131.

An Act respecting the Town of Leamington.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Leamington by its petition has prayed for special legislation to confirm certain orders of the Ontario Municipal Board annexing parts of the Township of Mersea to the Town of Leamington, to validate a certain by-law and agreement, which has been approved by vote of the electors, with respect to a franchise to operate a passenger transport system in the Town of Leamington, to enable the Corporation to acquire lands in the Township of Mersea for the purpose of establishing a highway to accommodate part of the traffic entering the Town of Leamington from the South, and to enable the Corporation to provide for the cost of maintaining and repairing the Selkirk Drain in the manner hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation orders confirmed.

1.—(1) Orders P.F. B-5735 and P.F. B-5736 of the Ontario Municipal Board dated the 8th day of January, 1947, set out as schedules A and B hereto, are hereby confirmed.

Effective date.

(2) The said orders shall be deemed to have come into effect on the 1st day of January, 1947.

Bus franchise validated.

2. By-law Number 1867 passed by the council of the Corporation of the Town of Leamington and the Agreement entered into pursuant thereto relating to the granting of an exclusive transportation franchise for bus service within the limits of the Town of Leamington to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, which said By-law and Agreement are set out as schedule C hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington and the other parties thereto, and the council of

the Corporation of the Town of Leamington is hereby authorized and empowered to carry out its obligations thereunder and to enforce the terms thereof and to pass such other by-laws and do all such acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said By-law and Agreement, and to do any and all acts, matters or things that may be necessary to secure to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, an exclusive transportation franchise for bus service within the limits of the Town of Leamington as is provided in the said By-law and Agreement; but nothing in the said By-law or Agreement shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat., c. 289.

Acquisition of certain lands for highway purposes.

3. The Corporation of the Town of Leamington is authorized and empowered to acquire lands in the Township of Mersea for a public highway fifty feet or more in perpendicular width to extend from the south limit of that part of the Town of Leamington which lies west of a line drawn parallel to and distant six hundred and sixty feet west of Erie Street in the said Town, southerly to King's Highway No. 18, whether by private contract or under the provisions of *The Municipal Act* applicable to the expropriation of lands, and to establish and lay out the same as a public highway and to pay the cost thereof, and it shall not be necessary for the said Corporation to comply with any requirement of *The Municipal Act* as to publishing or posting up notice thereof or to obtain the approval of the Ontario Municipal Board as provided in section 502 of the said Act, and the said Corporation is further authorized and empowered to maintain the said public highway and to pay the cost of such maintenance after its establishment until such time as the same is assumed by the Corporation of the Township of Mersea, in the same manner as if the said public highway were included within the limits of the Town of Leamington.

Rev. Stat., c. 266.

Repair and improvement of Selkirk Drain.

4.—(1) The Corporation of the Town of Leamington is authorized and empowered to make repairs to the Selkirk Drain and its branches in the Town of Leamington and in the Township of Mersea from the points at which drainage from the said Town enters the same to the outlet of the said drain in Lake Erie, and may upon the report of an engineer or surveyor, or without a report upon a *pro rata* assessment on the lands and roads as last assessed for the construction or repair of the same, subject however to assessment on lands in the Town of Leamington being made pursuant hereto, make improvements thereto by deepening, widening, extending or covering the same or any part thereof, to the same extent as

the Corporation of the Township of Mersea is now empowered to do under *The Municipal Drainage Act*, which Act, save as varied herein or in *The Town of Leamington Act, 1927*, shall be applicable to the Selkirk Drain and its branches. Rev. Stat., c. 278. 1927, c. 116.

(2) If any such repairs or improvements are made by the Corporation of the Town of Leamington without a report of an engineer or surveyor, any damage to lands arising therefrom shall be paid for by the said Corporation and if no settlement satisfactory to the owner alleging such damage is made, any owner alleging such damage may avail himself of sections 98 to 101 of *The Municipal Drainage Act*. Damage to lands.

(3) Nothing herein contained shall be deemed to affect the rights of the Corporation of the Township of Mersea or of the Corporation of the Town of Leamington or of any owner of land in the said Township or in the said Town to appeal as provided in *The Municipal Drainage Act*, provided that an appeal by an owner of lands in the Town of Leamington shall not be maintainable on any complaint of an overcharge in the assessment of his lands or of an undercharge in the assessment of other lands in the Town of Leamington, but any such owner may appeal on the ground that his lands do not drain into the Selkirk Drain or any branch thereof and that his lands are not properly assessable for any amount or on the ground that other lands in the Town of Leamington are improperly omitted from assessment. Rights to appeal not affected. Proviso.

(4) The part of the cost of the work, improvements or repairs, whether now pending or hereafter to be done, properly assessable against lands in the Town of Leamington, shall be assessed against the Corporation of the Town of Leamington and the said Corporation may levy the cost thereof against lands and buildings in the parts of the Town of Leamington properly assessable therefor by a special mill rate upon the assessed value of such lands and buildings in each year for the currency of any debentures issued therefor and it shall not be necessary to make out a special assessment roll in respect of such assessments. Provision for cost of repairs, etc.

(5) Notwithstanding any provision of *The Municipal Drainage Act* requiring notices to be served by mail or otherwise, any such notice required to be given by the clerk of the Town of Leamington may be served by publication in two successive issues of a newspaper published in the said Town. Service of notices.

(6) The Corporation of the Town of Leamington may without the assent of the electors borrow upon debentures the amount of its proportion of the cost of any work, improvements or repairs and shall levy annually upon the lands and buildings in the Town of Leamington liable therefor during the Debentures.

currency of the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Town of Leamington Act, 1947*.

SCHEDULE A

P.F. B-5735.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman, and

W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF *The Municipal Act*, R.S.O. 1937, Chapter 266, Section 23, as amended by *The Municipal Amendment Act, 1939*, Chapter 30, Section 2, and

IN THE MATTER OF the application of the Corporation of the Town of Leamington, for annexation to the Town of Leamington of certain lands in the Township of Mersea, being part of Lot 6 in the Broken Front Concession of the said Township, adjoining Seacliffe Park.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described and a Petition therefor of Walter Spurr and others, being all the property owners and including all the municipal electors, in that part of the Township of Mersea proposed to be annexed, the Affidavit of William Elmer Selkirk, as to service of certified copies thereof and of Notice thereof, upon the Clerk of the Corporation of the Township of Mersea, a certified copy of a Resolution of the Corporation of the Township of Mersea consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing three municipal electors and six other property owners in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section South Western of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and the Affidavit of Violet A. Cross as to service of the said Appointment and Notice thereof by registered post, on Walter Spurr and Ruth Spurr, W. E. Wallace, Lillian Brown, W. E. Cowley, Charles Deitch, Ronald R. Martin, Frank Costanza and Peter Costanza, being all of the property owners and including all the municipal electors in the said part of the Township of Mersea proposed to be annexed, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, and being composed of part of Lot Number Six (6) in the Broken Front or First Concession of the said Township of Mersea, which said parcel or tract may be more particularly described as follows, that is to say: Commencing at a stake planted in the easterly limit of the lands conveyed by Henrietta Robinson to Albert M. Wehenkel, more particularly described in Deed dated the 22nd day of December, 1936, and registered as Number 26189 for the Township of Mersea, and which said easterly limit has a bearing of south Three degrees and Three minutes West (S. 3° 3′ W.), and is distant Twelve Hundred and Forty-two feet and Six inches (1,242′ 6″) measured westerly along the southerly limit

of the road known as the First Concession Road (now Provincial Highway No. 18), from the westerly limit of the road between Lots 6 and 7 (Erie Street), said stake being distant Four Hundred and Eighty feet (480′) measured southerly in the said easterly limit of the lands conveyed to said Wehenkel from the southerly limit of the said Provincial Highway No. 18; thence Easterly parallel with the southerly limit of said Provincial Highway No. 18, a distance of Thirty feet (30′) more or less to a stone monument planted in the west limit of the lands conveyed by Forest H. Conover and wife to the Corporation of the Town of Leamington for park purposes by Deed registered Number 3607 for Leamington, and which lands are now known as Seacliffe Park; thence south Three degrees and Three minutes West (S. 3° 3′ W.) parallel to the easterly limit of the lands conveyed to said Wehenkel as aforesaid, and in the west limit of the Town of Leamington, a distance of Eight Hundred and Forty-five feet (845′) more or less to the water's edge of Lake Erie; thence Westerly following the said water's edge, Thirty feet (30′) more or less to the production of a line drawn on a course of south Three degrees and Three minutes West (S. 3° 3′ W.) from the point of commencement, and in the production of the easterly limit of the lands conveyed to Wehenkel as aforesaid; thence North Three degrees and Three minutes East (N. 3° 3′ E.) in the said production and in the said limit, Eight Hundred and Forty-five feet (845′) more or less to the point of commencement;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

R. S. Colter,
Chairman.

(Seal)

SCHEDULE B

P.F. B-5736.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman; and

W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF *The Municipal Act*, R.S.O. 1937, Chapter 266, Section 23, as amended by *The Municipal Amendment Act, 1939*, Chapter 30, Section 2, and

IN THE MATTER OF the application of the Corporation of the Town of Leamington, for annexation to the Town of Leamington of certain lands in the Township of Mersea, being part of Lot 242, S.T.R., in the said Township of Mersea, comprising 24.487 acres.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described, the Affidavit of William Elmer Selkirk as to service of certified copies thereof, and of Notice thereof upon the Clerk of the Corporation of the Township of Mersea, the Affidavit of Violet A. Cross as to service of certified copies thereof and of Notice thereof on Neil K. Maynard, the owner of the lands proposed to be annexed prior to conveyance thereof by him to the Corporation of the Town of Leamington, the consent of the said Neil K. Maynard, a certified copy of a Resolution of the Corporation of the Township of Mersea, consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing no municipal electors in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section No. 22 of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, being composed of part of Farm Lot No. 242, South Talbot Road, in the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a stake planted in the Westerly limit of said Farm Lot No. 242 (being the Easterly limit of the Corporation of the Town of Leamington) at a distance of Five Hundred and Three feet (503') measured on a course of South Two degrees Forty-six minutes West (S. 2° 46' W.) along the last mentioned limit from the Northerly limit of said lot (being the Southerly limit of the Talbot Road—King's Highway No. 3); thence South Eighty-seven degrees Fourteen minutes East (S. 87° 14' E.) Seven Hundred and Thirteen feet (713') to a stake; thence South Two degrees Forty-six minutes West (S. 2° 46' W.) Fourteen Hundred and Ninety-six feet (1,496') to a stake planted at a distance of Eleven Hundred and Thirty-eight feet (1,138') measured Northerly from the Southerly limit of said

Lot

Lot 242 (Second Concession Road) on a line parallel with the said westerly limit of Lot 242; thence North Eighty-seven degrees Fourteen minutes West (N. 87° 14′ W.) Seven Hundred and Thirteen feet (713′) to a stake planted in the said Westerly limit of Farm Lot No. 242; thence North Two degrees Forty-six minutes East (N. 2° 46′ E.) following the last mentioned limit, Fourteen Hundred and Ninety-six feet (1,496′) more or less to the place of beginning. Containing by admeasurement the sum of Twenty-four and Four Hundred and Eighty-seven One-Thousandths acres (24.487 ac.) be the same more or less;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario, and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

R. S. Colter,
Chairman.

(Seal)

SCHEDULE C

BY-LAW NUMBER 1867

TOWN OF LEAMINGTON

A By-law respecting the Leamington Bus Company and granting of a franchise to operate a Passenger Transport System in the Town of Leamington.

WHEREAS Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, all of the Town of Leamington, carrying on business under the name of Leamington Bus Company, have been furnishing public transportation to the people of the Town of Leamington by means of buses during the present year;

AND WHEREAS the said Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business as Leamington Bus Company, hereinafter called the Applicants, have requested the Corporation of the Town of Leamington to grant to them (and with the right of assignment thereof to a Company to be known as Leamington Bus Company Limited, when incorporated) an exclusive bus transportation franchise entitling them to use certain streets in the Town of Leamington for a period of ten years;

AND WHEREAS Agreement bearing date the 28th day of October, 1946, has been arranged to the mutual satisfaction of the said Corporation and the said Applicants, to grant the said Applicants an exclusive bus transportation franchise entitling them to operate a passenger transportation system on certain streets in the said Town of Leamington for a period of ten years;

AND WHEREAS the said Agreement sets out the obligations, terms and conditions binding upon the Corporation and the Applicants, which Agreement is attached hereto and set forth as Schedule "A" to this By-law and made a part thereof;

NOW THEREFORE the Corporation of the Town of Leamington, by its Municipal Council, enacts as follows:

1. That the Mayor and Clerk of the Corporation of the Town of Leamington be and they are hereby directed and authorized to sign the said Agreement dated the 28th day of October, 1946, which Agreement is hereby incorporated in and forms part of this By-law and the said Clerk is hereby directed and authorized to affix the Corporate Seal of the Corporation to the said Agreement.

2. This By-law shall not come into force and take effect until it has been assented to by the Municipal Electors of the Town of Leamington as provided by *The Municipal Act*, R.S.O. 1937, Cap 266 (and confirmed and validated by an Act of the Legislature of the Province of Ontario).

PASSED AND ENACTED this 13th day of January, 1947.

PHILIP FADER,
Mayor.

W. E. SELKIRK,
Clerk.

(Seal)

Schedule "A"

THIS AGREEMENT made in triplicate this 28th day of October, A.D. 1946,

BETWEEN:

ELDON M. ARMSTRONG, WILLIAM T. ARMSTRONG and HECTOR C. ARMSTRONG, all of the Town of Leamington, in the County of Essex, carrying on business under the name of "Leamington Bus Company" (hereinafter called "the Company")

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF LEAMINGTON (hereinafter called "the Corporation")

OF THE SECOND PART.

WHEREAS the Company has made application to the Corporation for rights over, through and upon the streets, avenues and public highways in the Town of Leamington, for the purpose of operating a passenger transportation system on a regular time schedule adaptable to traffic conditions;

AND WHEREAS the Corporation is desirous of granting such rights exclusively to the Company and permitting the Company to operate a passenger transportation system in the Town of Leamington, as aforesaid, for the convenience of its citizens and deems it advisable to enter into this agreement with the Company and to submit a By-law to the electors to ratify the same;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the parties hereto do hereby undertake covenant and agree as follows:

1. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation hereby grants to the Company as hereinafter provided, an exclusive right, franchise and privilege for the full period of ten years from and after the date when a by-law approving this agreement takes effect, to operate a passenger transportation system on a time schedule and for such purpose to maintain and operate busses and other vehicles operated by gasoline or other motive power together with any rolling stock and equipment necessary and incidental thereto, and upon the terms mentioned in and authorized by this Agreement, over, through, and upon the streets of the Corporation and to operate upon a schedule as to days of the week, daily service, frequency of service as hereinafter set forth.

2. Notwithstanding anything hereinbefore contained, should the Company for any reason fail to operate the said passenger transportation system, the Corporation by its Council may grant or permit to be granted to any person, partnership, Company or Corporation, the right to operate a transportation system as long as such failure continues, and the Corporation may give the Company notice, in writing, setting out the particulars in which the Company has failed to perform or violated any of the covenants, and obligations herein set out; such notice to be given by registered mail directed to the Company at Leamington, Ontario, and in that event any matters in dispute shall be submitted to arbitration in the manner provided.

3. The granting of the franchise as in clause 1 hereof provided is subject to and conditioned on compliance with and fulfillment of the following covenants of the Company and which are a condition precedent to the granting of the said franchise:

(*a*) The Company shall commence to operate the transportation system herein set out within fifteen days after a By-law approving this agreement takes effect and shall during the said term of ten years (or any extension thereof) provide adequate transportation service for passengers within the limits of the Town of Leamington and equipment and personnel in accordance with reasonable traffic requirements from time to time and in accordance with the schedule or schedules filed by the Company with the Clerk of the Corporation from time to time.

(*b*) All vehicles used or operated under the authority of this agreement shall be at all times fully equipped with approved safety devices and shall be kept and maintained in first class serviceable condition and present at all times a good appearance and all vehicles, while in operation, shall be kept in a clean, sanitary condition. The Company shall obtain further modern busses for regular routes as soon as same are available after operation commences.

(*c*) All drivers and operators of vehicles, while in operation, shall be capable, sober and prudent men, upwards of twenty-one years of age and possessed of a chauffeur's license, under the laws of the Province of Ontario, and it shall be the duty of every such driver to keep and observe all and every provision of *The Highway Traffic Act* and of all other statutes (Provincial and Federal), Regulations and Municipal By-laws which are applicable and whether now or hereafter in force, as well as the provisions of this agreement.

(*d*) The Company shall at all times in the operation of the said vehicles comply with the provisions of *The Highway Traffic Act* and all Municipal, Provincial and Federal laws, rules and regulations affecting them or relating to public vehicles.

(*e*) The Company shall at all times keep the said vehicles insured in a Company satisfactory to the Corporation against public liability, liability to passengers and public and property damage and be responsible for all accidents resulting from its negligence or through the negligence of its agents or workmen in operating any vehicle. The said insurance shall at least, indemnify against such liability, for injuries to any one person, for any one accident or for property damage to the amounts provided by the regulations respecting the licensing of public vehicles or by any statute or regulation of the Province of Ontario and shall at all times keep such policies on file in the office of the Town Clerk, and further shall indemnify and save the Corporation harmless from any and all costs or damages which may accrue in any manner by reason of any negligent act of omission or commission in the operation of any vehicle or vehicles as herein set out, or otherwise.

(*f*) The Company shall maintain a passenger transport service to meet the requirements of the Corporation from time to time in, over and upon such streets and upon such schedule as to days of the week, daily service, frequency of service, stopping places and fares as has been or may be mutually agreed upon from time to time between the Company and the Council of the Corporation and in the event of the Corporation and the Company failing to agree at any time upon the service routes, schedules and fares or any of the matters herein referred to, the point or points in dispute shall be referred to the Senior Judge of the County Court of the County of Essex as sole arbitrator under the provisions of *The Arbitration Act*, and the said arbitrator shall publish his award in writing signed by him considering the matters to him referred and the parties hereto covenant that they will well and truly stand to, abide by, observe, perform and fulfill the award and determination of the said arbitrator, hereby appointed, of and concerning the matters referred to him, subject to the right of Appeal therefrom as provided in the said Arbitration Act.

4. The following fare schedule shall apply to the users of the passenger transport system:

(*a*) Single cash fare—10c.
(*b*) Tickets—three tickets for 25c.
(*c*) Children under 12 years of age, cash fare—5c.

Payment

Payment of a fare, either by cash or by ticket, shall entitle a passenger to ride from any point within a route to any other point served by the Company in the Town, and for the purpose of making such journey the passenger shall be entitled to transfer (in the event that more than one route is established) from one route to another route, within the Municipal limits, as may be necessary to reach his destination, without the payment of an additional fare. The Company shall have the right to change the foregoing fare schedule after first having obtained the approval thereto of the Council of the Corporation.

5. The Company may from time to time make rules and regulations governing the conduct of passengers on its busses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and the passengers or prospective passengers. The Council of the Corporation reserves the right to approve of routes of busses, rates of fare and the aforesaid regulations as they may be modified from time to time; a copy of which rules and regulations shall be filed with the Clerk of the Corporation and when so approved shall form part of this agreement as if the same had been incorporated herein.

6. Policemen in the employ of the Corporation shall be carried free when in uniform and on duty.

7. Upon the request of the Company in writing made at any time after the expiration of seven years from the taking effect of a By-law approving this agreement provided that the Company has fully complied with the terms and conditions hereof, the Corporation shall submit to the electors a By-law authorizing the renewal of this franchise for a further term of ten years from the expiration of the same upon the same terms and conditions.

8. If notwithstanding the statutory duty of the Corporation to maintain the streets, intersections, pavements and roadways in a reasonably safe and passable condition, owing to unusual weather conditions, or other circumstances, the routes designated for travel by the Company or any of such routes are in the opinion of the Company unsafe or unpassable for its purposes, the Company may thereupon interrupt the bus service upon the route or routes which are unsafe, until the dangerous condition is remedied or at its option may re-route its busses, but in such event shall notify the Mayor of the Corporation or such other person as is designated in writing by him of such suspension or re-routing of service, or the Company at its option may provide its own equipment at its own expense to the extent necessary to remove ice or snow to permit the further operation of its busses, in which event the Company shall promptly notify the Mayor or such person as he may in writing designate promptly thereof.

9. The Corporation will take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of busses upon its streets in order that schedules may be maintained.

10. The Corporation may create and designate such restricted parking areas, one-way streets and "no parking" areas as it is empowered to do and as in its discretion are necessary and to make provision for bus stops and shall enforce obedience thereto and shall designate and enforce such other traffic regulations as traffic conditions may from time to time require and so as to implement the provisions of this agreement.

11. Nothing herein contained shall make the Corporation liable in any way to any person who suffers loss, damage or injury by reason of the negligence of the Company or their workmen, servants or agents.

12. The Corporation may apply to the Legislative Assembly of the Province of Ontario for legislation validating this agreement and the by-law authorizing the execution of the same at the cost of the Company and the Company shall indemnify the Corporation against and shall pay all costs incurred by the Corporation in respect thereof, and in preparation of this agreement, the by-law authorizing the execution of the same, the by-law, advertisement and other proceedings for taking a vote of the Electors of the Corporation, all solicitors costs to be taxed if so required by the Company.

13. Save as aforesaid, during the term of this agreement the Corporation shall not in any way depreciate the right, privilege or franchise hereby granted and shall not grant to any other person, partnership, firm or corporation any right, license or franchise to maintain or operate any street railway or bus line or jitney for local passenger trips, the operation of which shall come into competition with the transportation system of the Company. Provided that this section shall not apply to any ordinary cabs, or taxi cabs kept for hire and used for transportation not over a fixed route, at fares fixed by the Council of the Corporation, nor to any school bus, whether chartered, hired or operated by a School Board for the transportation exclusively of school children to and from school.

The Corporation covenants and agrees to do all in its power to carry out the terms and spirit of this agreement and to that end will assist the Company in every way possible.

14. If at any time the Bus Company wishes to terminate this franchise it may do so on six months' written notice to the Corporation and in such event all rights and obligations hereunder shall cease.

15. This franchise shall not be assignable or transferable without the consent of the Council of the Corporation, save that the Company may, in the event of the Company proceeding with an application for incorporation under *The Ontario Companies Act* under the name of "Leamington Bus Company, Limited" or other similar name for the purpose of converting the said partnership known as "Leamington Bus Company" into a duly incorporated Company and provided such Company is duly incorporated and with powers to perform on its part the obligations and undertakings of the Company hereunder, then upon the Company transferring all its other assets to the said Limited Company, this franchise may be transferred and assigned by the Company to the said Limited Company.

16. This Agreement shall be binding upon and enure to the benefit of the Company, the members thereof and their respective heirs, executors and administrators, and the assigns of the Company (and the successor of any such assign which is in an incorporated Company) and shall be binding upon and enure to the benefit of the Corporation and its successor, but shall be so binding only to the extent to which the Corporation may legally bind itself to the provisions herein contained.

As Witness the hands and seals of the parties of the first part, and the corporate seal of the said Corporation, duly attested by its proper officers in that behalf.

Signed, Sealed and Delivered in the presence of

Geo. R. Brett,

As to execution by the Parties of the First Part.

(Seal)

Eldon M. Armstrong (L.S.)
William T. Armstrong (L.S.)
Hector C. Armstrong (L.S.)

The Corporation of the Town of Leamington,
Philip Fader, *Mayor.*
W. E. Selkirk, *Clerk.*

CHAPTER 132.

An Act to amend the Terms of the LeFevre Marriage Settlement.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS by Marriage Settlement dated the 3rd day of November, 1909, between Alfred George Tully LeFevre of the first part, Gwyneth Tudor Wallis Tate (now LeFevre) of the second part and Edmund Rolleston Tate and Britton Osler, as Trustees, of the third part, the said Alfred George Tully LeFevre transferred and assigned to the said Trustees certain lands in the Township of Douro in the County of Peterborough and certain shares of stock and certain interests in certain insurance policies; and whereas the said Alfred George Tully LeFevre and the said Gwyneth Tudor Wallis Tate (now LeFevre) and Marion Pickton Osler, the sole executrix of Britton Osler, who was the surviving Trustee and Agnes Sydney Margaret Pocock have by their petition prayed for special legislation changing the terms of the said Marriage Settlement in view of the changes in conditions which have occurred since the execution of the said Marriage Settlement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers of Trustees varied.

1. Notwithstanding anything contained in the said Marriage Settlement, the Trustees may at the request and with the consent of the said Alfred George Tully LeFevre and the said Gwyneth Tudor Wallis Tate (now LeFevre), or the survivor of them, sell, exchange or otherwise dispose of any of the lands, stocks, shares, bonds, debentures and other assets of the said Marriage Settlement Trust and may invest any moneys received in the case of the sale of any assets or in the case of the exchange or other disposition of any assets may re-invest the proceeds in those securities which are authorized by *The Canadian and British Insurance Companies Act, 1932* (Canada) for investment by Canadian insurance companies.

Can. 1932, c. 46.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The LeFevre Marriage Settlement Act, 1947*.

CHAPTER 133.

An Act respecting the City of London.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the City of London by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Deed of lands validated.

1. The deed made by the Corporation of the City of London, bearing date the 4th day of July, 1946, and registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex on the 20th day of September, 1946, as Number 24364 for East London, to Canadian General Electric Company Limited, in consideration of $5,460, of lands in the said City of London, being Lots Numbers Seventeen, Eighteen and Nineteen, on the east side of Highbury Avenue and parts of Lots Numbers Twenty-one and Twenty-three on the west side of Hale Street, Plan Number 50, as in the said deed described, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Sale of industrial sites.

1919, c. 96.

2. Notwithstanding the proviso contained in section 8 of *The City of London Act, 1919*, the Corporation of the City of London is hereby authorized and empowered to sell lands within the said City of London acquired for industrial sites under the said section 8 upon such terms and conditions and for such purposes as to the council of the said Corporation may, from time to time, seem fit.

Provision for Victoria Hospital.

3.—(1) The Corporation of the City of London is hereby authorized and empowered to undertake and provide for needed accommodation at Victoria Hospital, London, and to expend therefor the sum of $1,000,000.

Debentures.

(2) Subject to the approval of the Ontario Municipal Board, the said corporation may pass a by-law to borrow, and may borrow, the said sum of $1,000,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest as the council of the said Corporation may determine.

Community centre and arena.

4.—(1) The Corporation of the City of London may enter into an agreement for the construction of a community centre and arena by the Western Fair Association upon such terms and conditions as may be satisfactory to the council of the said Corporation and may, subject to the approval of the Ontario Municipal Board, contribute thereto the sum of $75,000 per year for a period of five years, to be raised by including the sum of $75,000 per year in the yearly rate for taxes in the years 1947, 1948, 1949, 1950 and 1951.

Undertaking and agreement validated.

(2) Such undertaking and agreement shall be legal, valid and binding upon the Western Fair Association and the said Corporation and the ratepayers thereof, who are authorized and empowered to carry out the obligations, provisions and conditions of the said agreement and to enjoy the rights, powers and privileges provided therein.

Expenditure and rates validated.

(3) Such expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, 1947*.

CHAPTER 134.

An Act respecting the Town of Orillia.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Orillia by its petition has prayed for special legislation to validate an agreement for the purchase of electrical power from The Hydro-Electric Power Commission of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Hydro agreement confirmed.

Rev. Stat., c. 62.

1. Notwithstanding the *non obstante* clause in section 61 of *The Power Commission Act*, the agreement between The Hydro-Electric Power Commission of Ontario and Orillia Water, Light and Power Commission, dated the 6th day of February, 1947, set forth as schedule A hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Orillia Act, 1947.*

SCHEDULE A

THIS AGREEMENT made in duplicate this 6th day of February, A.D. 1947.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission",

OF THE FIRST PART,

—and—

ORILLIA WATER, LIGHT AND POWER COMMISSION, hereinafter called the "Customer",

OF THE SECOND PART.

WHEREAS the Customer has applied to the Commission for a supply of electrical power and the Commission is willing to supply the same on the terms and conditions herein contained, all under the provisions of *The Power Commission Act*, R.S.O. 1937, Chapter 62, and amendments thereto, and the enabling legislation hereinafter referred to;

NOW THEREFORE THIS INDENTURE WITNESSETH that subject to the said Act and enabling legislation, and for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. THE COMMISSION AGREES:

(*a*) To reserve for and deliver to the Customer at the earliest possible date up to a maximum amount of One Thousand Kilowatts (1,000 Kw.) of electrical power as required by the Customer hereunder;

(*b*) To use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Customer;

(*c*) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for herein to the Customer at the point of delivery herein defined as the dead-ending point on the Commission's transmission line at the Customer's Swift Rapids Plant.

2. THE CUSTOMER AGREES TO:

(*a*) Take the power covered by this agreement and to prepare for the receipt and use of the said power so as to be able to receive power when the Commission is ready to deliver the same;

(*b*) Pay to the Commission for power hereunder in monthly payments at the rate of Twenty-five Dollars ($25.00) per horsepower per annum, such monthly payments being based on the monthly horsepower demand for the month as determined at the point of measurement hereinafter defined and the said monthly horsepower demand being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in the month determined from coincident readings of the meters hereinafter referred to.

3. If in any month the power taken hereunder exceeds One Thousand Kilowatts (1,000 Kw.) with or without correction for excess load factor under clause 7, the operators of the Commission may notify the operators of the Customer either by telephone or otherwise and the Customer shall forthwith discontinue taking such excess power. If during any month power is taken in excess of One Thousand Kilowatts (1,000 Kw.) the Customer shall pay for power for such month as if the said excess had been taken for the whole month but such taking and payment shall not be deemed to be an authorization to the Customer to take excess power at any future time.

4. In any event the Customer shall pay as a minimum for each month for the greatest previous monthly horsepower demand not in excess of One Thousand Kilowatts (1,000 Kw.).

5. All amounts payable by the Customer in lawful money of Canada shall be paid at the offices of the Commission in Toronto. Bills shall be rendered by the Commission on or before the fifteenth day and paid by the Customer on or before the twenty-fifth day of each month. If any bill remains unpaid for fifteen (15) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until said bill is paid. No such discontinuance shall relieve the Customer from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the rate of five per cent (5%) per annum.

6. The Customer Agrees to:

(*a*) Take power exclusively from the Commission during the continuance of this agreement; provided, however, that the Customer may continue to generate and distribute power for its own use and the use of its customers within the scope of its statutory powers so long as it complies with the requirements of clause 6 (*b*) hereof;

(*b*) Synchronize and operate its generating plants in parallel with the Commission's system in a manner satisfactory to the Commission, and also to operate the said generating plants in a manner satisfactory to the Commission in respect of utilizing their facilities to the maximum available from time to time for power thereby developed which shall be at a load factor at least as high as the daily load factor of power supplied by the Commission hereunder; to refrain from taking power hereunder in such manner that the energy taken during any day shall be in excess of a load factor for that day of seventy per cent (70%) on the horsepower demand for that day, the horsepower demand for any day being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in that day determined from coincident readings of the said meters, subject to power factor correction; and also to refrain from taking power hereunder in such manner that the energy taken during any month shall be in excess of a monthly load factor of sixty per cent (60%) on the amount of power for which the Customer pays for such month.

7. If the Customer during any month takes energy in excess of a load factor of sixty per cent (60%) on the horsepower demand for such month, such horsepower demand shall be deemed to have been increased thereby for all the purposes of this agreement in accordance with the following factor:

$$\text{Horsepower demand for the month} \times \frac{\text{The number expressing in percentage the said load factor at which power was taken for the month}}{60}$$

8. The point of measuring the power covered by this agreement shall be at the switchboard in the Commission's Big Chute Generating Station and no correction or adjustment shall be made by reason of the measuring equipment being connected at other than the point of delivery, this having been taken into consideration in agreeing upon the price of power hereunder.

9. Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters. The measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission. The Customer shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Com-

mission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment.

10. If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by an operator of the Commission and the Customer shall immediately remedy the said failure. In case of continued failure for more than fifteen (15) minutes after notice, the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur. The Customer shall forthwith designate in writing to the Commission to what employee the said notice under this clause 10 is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer.

11. The Customer Agrees to:

(*a*) At all times to take and use the electrical power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is unity but when this is not possible the Customer shall pay for ninety per cent (90%) of the maximum kilovolt amperes (considered as true power or kilowatts) when the said ninety per cent (90%) is in excess of the maximum kilowatts taken; the maximum in kilowatts or kilovolt amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes.

(*b*) Use at all times first-class, suitable standard commercial apparatus and plant to be approved by the Commission and to operate and maintain the apparatus and plant so as not to cause more than minimum disturbance or fluctuation to the Commission's supply, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Customer.

12.—(*a*) The power shall be alternating, three-phase, having a frequency of approximately sixty (60) cycles per second and a nominal voltage of approximately Twenty-three Thousand (23,000) volts, subject to normal variations from the said voltage of approximately ten per cent (10%) and from the said frequency of approximately five per cent (5%);

"Power" shall mean electrical power and except where the context requires a different meaning shall mean also and include "energy";

One Horsepower shall be equivalent to Seven Hundred and Forty-six watts (746 w.).

(*b*) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all operating obligations of the Commission hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer and the Customer's agents, apparatus, appliances and circuits.

(*c*) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control, including without limiting the generality thereof, strike, lockout, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the King's enemies and act of God, then the Commission shall not be bound to deliver such power during such time; the Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interruption is removed the Commission shall without any delay deliver the said power;

such interruption shall not release the Customer from any obligation under this agreement.

(*d*) The Commission shall have the right at reasonable times, and when possible after reasonable notice has been given to the Customer, to discontinue the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the Commission's apparatus, equipment, or works, but all such interruptions shall be of a miminum duration and when possible arranged for at a time least objectionable to the Customer; such interruptions shall not release the Customer from any obligation under this agreement.

13. The engineers of the Commission or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Customer, and take records at all reasonable hours.

14. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

15. Any waiver by either party or failure to exercise any rights or enforce any remedy shall be limited to the particular instance and shall not operate or be deemed to extend to any other matter under this agreement or in any way affect the validity of this agreement.

16. This agreement shall become effective only if ratified by Act of the Ontario Legislature within a period of one year from the date hereof and if and when so ratified, shall remain in force for a period of Five (5) years commencing from the date such ratifying Act comes into force.

In Witness Whereof the Commission and the Customer have caused this agreement to be executed under their corporate seals attested by the signatures of their proper officers duly authorized thereto.

(Seal)

The Hydro-Electric Power Commission of Ontario

T. H. Hogg,
Chairman.

Osborne Mitchell,
Secretary.

Orillia Water, Light and Power Commission

H. W. Caswell,
Chairman.

Gordon G. Perryman,
Secretary-Treasurer.

CHAPTER 135.

An Act respecting the City of Ottawa.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

WHEREAS the Corporation of the City of Ottawa by its petition has prayed for special legislation with respect to certain orders of the Ontario Municipal Board annexing parts of the Township of Nepean to the City of Ottawa and to enable the Corporation to pass certain by-laws with respect to the control of the emission of smoke, and to enable the Corporation to make a presentation to Barbara Ann Scott; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Order P.F. B-4854 of the Ontario Municipal Board dated the 1st day of March, 1946, set out as schedule A hereto, is hereby declared to be legal, valid and binding. Annexation Order P.F. B-4854 validated.

2.—(1) Order P.F. B-5890 of the Ontario Municipal Board dated the 10th day of January, 1947, set out as schedule B hereto, is hereby confirmed. Annexation Order P.F. B-5890 confirmed.

(2) The said order P.F. B-5890 shall be deemed to have taken effect on the 31st day of December, 1946. Effective date.

(3) The lands annexed to the City of Ottawa by the said order P.F. B-5890 shall, subject to the exemptions provided by any Act, be liable to taxation by the Corporation of the City of Ottawa in the year 1947 and thereafter and shall in the year 1947 be assessed and entered on the collector's roll pursuant to section 57 of *The Assessment Act.* Taxation. Rev. Stat., c. 272.

3. The lands annexed to the City of Ottawa by the said orders P.F. B-4854 and P.F. B-5890 shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act.* Change of registry division. Rev. Stat., c. 170.

Smoke by-laws.

4. The council of the Corporation of the City of Ottawa may pass by-laws:

1. For regulating the installation, alteration, maintenance, repair or use of furnaces, incinerators, boilers, chimneys, flues, stacks or other structures, apparatus or devices used in burning fuel or other combustible material or in connection therewith.

2. For prohibiting, except to such extent as the council may determine, or regulating the emission to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the structures, apparatus or devices referred to in paragraph 1.

3. For appointing officers to administer and enforce any by-law passed under paragraph 1 or 2; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with; and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the structures, apparatus or devices referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission to the atmosphere of the products of combustion referred to in paragraph 2; and for providing that in the event of failure on the part of the owner, occupant, manager or agent of the property to make such tests or alterations as the officer may specify, the same may be made by the Corporation at the expense of the owner or occupant; and for recovering the expense incurred in so doing in the manner provided by section 524 of *The Municipal Act.*

Rev. Stat., c. 266.

4. For establishing a board composed of not more than seven members, of whom not more than one shall be a member of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of the members of the board, the number constituting a quorum and the procedure relating to appeals.

(*a*) Any person may appeal from a decision of the board of appeals under this paragraph to the Ontario Municipal Board, whose decision shall be final.

Barbara Ann Scott.

5. The Corporation of the City of Ottawa may expend out of its general revenues for the year 1947 a sum not exceeding $2,500 for the purpose of making a presentation to Barbara Ann Scott, winner of the women's figure skating championship of the world, in recognition of her outstanding contribution to amateur athletics in Ontario.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

7. This Act may be cited as *The City of Ottawa Act, 1947.* Short title.

SCHEDULE A

P.F. B-4854.

THE ONTARIO MUNICIPAL BOARD

Friday, the First day of March, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman.
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and
W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER of Section 20 of *The Municipal Act* (R.S.O. 1937, Chapter 266);

AND IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.

UPON THE APPLICATION of the Corporation of the City of Ottawa upon reading the resolution of the Council of the Corporation of the City of Ottawa dated the Fourth day of February, 1946, and notice of such resolution to the Council of the Corporation of the County of Carleton, to the Council of the Corporation of the Township of Nepean and to Veterans Housing Project (Ottawa) Limited, the owner of all the land hereinafter described, and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto,

THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act* (R.S.O. 1937, Chapter 266), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, County of Carleton, Province of Ontario, and being composed of part of Lot Letter "I", Concession Letter "A", Rideau Front, and being more particularly described as follows:

Commencing at a point on the northerly boundary of Lot Letter "I", being also the southerly limit of Carling Avenue located as follows: Beginning at the northwesterly angle of Lot 68 shown on a plan deposited in the Registry Office for the Registry Division of the County of Carleton as Plan No. 332; thence following the production westerly of the northerly boundary of said registered Plan a distance of 107.5′ to a point; thence south 23° 09′ east a distance of 8.35′ to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09′ east, a distance of 1,090.8′ to an iron bar; thence south 58° 19′ west, a distance of 1,392.4′ to an iron bar; thence north 81° 25′ west, a distance of 130.0′ more or less, to an iron bar planted in the easterly limit of Merivale Road as widened; thence north 8° 35′ east, following the easterly limit of said Merivale Road as widened a distance of 1,290.5′ to an iron bar; thence north 32° 56′ east, still following said limit of Merivale Road, a distance of 22.5′ more or less to an iron bar planted on the said southerly limit of Carling Avenue; thence north 58° 19′ east along the southerly limit of Carling Avenue, a distance of 799.1′, more or less to the point of commencement; the said parcel or tract of land containing by admeasurement an area of 29.21 acres, more or less; be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean in respect of the Township's portion of the outstanding general debenture debt of the County the sum of $317.60, and in respect of the outstanding debenture debt of the Township for school purposes in the school area in which the

said land was situate prior to the said annexation the sum of $257.56, making a total of $575.16, and that no other adjustment of assets and liabilities shall be made in connection with the said annexation.

THE BOARD FURTHER ORDERS that the said annexation shall be deemed to have taken effect on and from midnight, the Thirty-first day of December, 1945.

(Signed) W. P. NEAR,
Vice-Chairman.

(Seal)

5 SCHEDULE

SCHEDULE B

P.F. B-5890.

THE ONTARIO MUNICIPAL BOARD

Friday, the 10th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and
W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), and

IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.

UPON THE APPLICATION OF the Corporation of the City of Ottawa under Section 23 of *The Municipal Act*, authorized by By-law Number 9693 of the said Corporation passed on the 16th day of September, A.D. 1946, having come on to be heard at a public hearing at the Court House in the City of Ottawa on Friday, the 10th day of January, A.D. 1947, pursuant to an appointment given by the Board, and it appearing that Notice of the said appointment had been published in accordance with the direction of the Board and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto and no person appearing in opposition thereto,

THE BOARD ORDERS under and pursuant to Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, in the County of Carleton, being composed of parts of Lots lettered "I" and "K", Concession "A", Rideau Front, and including the land shown subdivided on a plan registered in the Registry Office for the Registry Division of the County of Carleton as Plan Number 332, all of which may be more particularly described as follows:—Commencing at a point on the northerly boundary of Lot lettered "I", being also the southerly limit of Carling Avenue, located as follows: Beginning at the northwesterly angle of Lot 68, as shown on said Plan Number 332; thence following the production westerly of the northerly boundary of the lands subdivided by said registered plan a distance of 107.5′ to a point; thence south 23° 09′ east a distance of 8.35′ to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09′ east along the easterly boundary of the lands annexed by Order of Ontario Municipal Board dated March 1, 1946, a distance of 1,090.8′ to an iron bar; thence south 58° 19′ west a distance of 1,392.4′ to an iron bar; thence north 81° 25′ west a distance of 130′ more or less to an iron bar planted in the easterly limit of the Merivale Road, said point being the southwesterly angle of the lands referred to in said Order of the Ontario Municipal Board; thence south 10° 17′ west along the aforesaid limit of the Merivale Road as widened, a distance of 244.2′ to an iron bar planted; thence south 8° 04′ west following the aforesaid limit of the Merivale Road, a distance of 326.9′ to an iron bar planted; thence south 4° 26′ west following the said limit of the Merivale Road a distance of 365.2′ more or less to an iron bar planted thereon; thence north 59° 15′ east, a distance of 379.9′ to an iron bar planted in the interior of said Lot "K"; thence south 3° 30′ west following an old wire fence being parallel to the easterly limit of the Merivale Road aforesaid, a distance of 412.5′ to a point on the northerly boundary of Registered Plan 314, deposited in the Registry Office for the Registry Division of the said County of Carleton, being also the line between the north and south halves of said Lot "K"; thence northeasterly along the aforesaid boundary of

Registered Plan 314 and the northerly boundary of Registered Plan 252, a distance of 2,420.05′ more or less to an iron bar planted on the westerly limit of Fisher Avenue; thence continuing northeasterly in a straight line on the production of said last mentioned course a distance of 66′ more or less to the easterly limit of Fisher Avenue; thence northerly following the easterly limit of Fisher Avenue a distance of 2,076′ more or less to the southerly limit of Carling Avenue; thence southwesterly following the southerly limit of Carling Avenue, a distance of 699.2′ more or less to the point of commencement, be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the County of Carleton on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the County the amounts respectively set forth after each year in the fourth column of Schedule "A" hereto.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the Township the amounts respectively set forth after each year in the fourth column of Schedule "B" hereto.

THE BOARD RECOMMENDS that the said annexation shall come into force on and from the 31st day of December, 1946.

(Signed) R. S. COLTER,
Chairman.

Schedule "A"

AMOUNT OF COUNTY OF CARLETON DEBENTURE DEBT CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION WITH ANNEXATION OF LAND FOR SECOND VETERANS' HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947	$73.41	$209.46	$282.87
1948	63.48	204.41	267.89
1949	53.82	194.26	248.08
1950	44.36	169.40	213.76
1951	35.97	107.01	142.98
1952	30.36	55.43	85.79
1953	27.09	48.97	76.06
1954	24.21	51.84	76.05
1955	21.18	54.88	76.06
1956	17.95	58.10	76.05
1957	14.54	61.51	76.05
1958	10.93	48.43	59.36
1959	8.03	51.33	59.36
1960	4.94	54.42	59.36
1961	1.67	28.01	29.68
	$431.94	$1,397.46	$1,829.40

Schedule "B"

AMOUNT OF TOWNSHIP OF NEPEAN DEBENTURE DEBT CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION WITH ANNEXATION OF LAND FOR SECOND VETERANS' HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947	$808.90	$956.79	$1,765.69
1948	760.23	1,004.71	1,764.94
1949	709.12	1,056.59	1,765.71
1950	655.36	1,109.51	1,764.87
1951	598.92	1,166.63	1,765.55
1952	539.56	1,054.40	1,593.96
1953	485.77	897.52	1,383.29
1954	440.79	923.21	1,364.00
1955	394.63	969.37	1,364.00
1956	346.17	1,017.83	1,364.00
1957	295.28	1,068.72	1,364.00
1958	241.84	1,122.16	1,364.00
1959	185.74	1,178.26	1,364.00
1960	126.82	1,237.18	1,364.00
1961	64.97	1,299.03	1,364.00
	$6,654.10	$16,061.91	$22,716.01

CHAPTER 136.

An Act respecting the City of Peterborough.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the City of Peterborough by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing part of the Township of North Monaghan to the City of Peterborough; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation order confirmed.

1.—(1) Order P.F. B-4942 of the Ontario Municipal Board dated the 26th day of June, 1946, set out as schedule A hereto, is hereby confirmed.

Effective date.

(2) The said order shall be deemed to have come into effect on the 1st day of January, 1947.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Peterborough Act, 1947*.

SCHEDULE A

P.F. B-4942

(Coat-of-Arms)

PROVINCE OF ONTARIO

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 26th day of June, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman,
W. J. MOORE, Esq., O.L.S.

IN THE MATTER OF *The Municipal Amendment Act, 1939*, 3 Geo. VI. Chapter 30, Section 2, and Amending Acts, and

IN THE MATTER OF the Application by the Corporation of the City of Peterborough for annexation to the City of Peterborough of part of the Township of North Monaghan, in the County of Peterborough.

Upon the application of the Corporation of the City of Peterborough in the presence of:

E. A. OUTRAM, Clerk of the City of Peterborough for the Corporation of the City of Peterborough,

GILBERT MCILMOYLE, Warden for the County of Peterborough for the Corporation of the County of Peterborough, and

BRUCE JOHNSTON, Clerk of the Township of North Monaghan for the Corporation of the Township of North Monaghan,

and in the presence of F. D. Kerr, K.C., solicitor for the Corporation of the County of Peterborough and the Township of North Monaghan, and upon reading By-law Number 4510 of the Council of the Corporation of the City of Peterborough passed on the Sixth day of May, 1946, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough, and the application of the City of Peterborough coming on for hearing before this Board at the office of The Ontario Municipal Board at the City of Toronto on the twenty-sixth day of June, 1946, the Corporation of the Township of North Monaghan and Corporation of the County of Peterborough consenting, and upon being satisfied that public notice of the hearing this day had been given as directed by the Board,

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the City of Peterborough shall pay to the Corporation of the Township of North Monaghan the sum of Three Hundred Dollars in each and every year during the currency of the School Debentures issued by the Township of North Monaghan in respect of the Township of North Monaghan Public School Area; the first of such yearly payments to be made on the first day of December, 1946. Provided, however, that the

yearly payment of Three Hundred Dollars hereinbefore provided for shall cease to be payable from and after any annexation by the City of Peterborough of the site of the present Public School in the Township of North Monaghan, commonly known as "The Grove School".

2. That the City of Peterborough shall assess the properties in the annexed areas for taxation purposes for the year 1947 at the same time and in the same manner as other assessments are made within the boundaries of the City of Peterborough, for taxes payable for and in the year 1947, and all rates levied on property within the boundaries of the City of Peterborough shall be levied against the properties in these annexed areas in the year 1947 by the City of Peterborough, and shall be payable to the City of Peterborough at the same time and in like manner as all other rates levied in the year 1947.

3. All taxes imposed by the Township in the annexed areas up to December 31st, 1946, and all arrears of taxes in the said annexed areas shall belong to the Township of North Monaghan and any such arrears after December 31st, 1946, shall be payable to and collectible by the Treasurer of the City of Peterborough similar to taxes owing to the City and the Treasurer shall remit such payments to the Clerk of the Township.

4. All rights, title and interest in the Corporation of the Township of North Monaghan, and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

5. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

6. (a) All that part of the area to be annexed described in Schedule "A" hereto shall constitute and be part of Ward Number Three of the City of Peterborough.

(b) All that part of the area to be annexed described in Schedule "B" hereto shall constitute and be part of Ward Number One of the City of Peterborough.

W. P. Near,
Vice-Chairman.

(Seal)
The Ontario Municipal Board

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and Province of Ontario, and being composed of the following:

Firstly: Those parts of Lots Numbers Nine and Twenty-three, South of Wallis Avenue, according to Registered Plan Number Twenty-nine of the Township of North Monaghan which lie to the West of the Westerly limit of Registered Plan Number One Hundred and Fifty-eight of the City of Peterborough, which said parcel is further described as being all that part of the said lots which lies West of a line drawn parallel with and distant six feet Easterly from the Westerly limits of the said lots.

Secondly: Lots Numbers Ten, Eleven, Twelve, Thirteen, Fourteen and Fifteen North of Hopkins Avenue (now Weller Street) and Lots Numbers Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one and Twenty-two South of Wallis Avenue (now Hopkins Avenue), Lots Numbers Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two and Twenty-three North of Wallis Avenue (now Hopkins Avenue) and parts of Lots Numbers Fourteen, Fifteen and Sixteen West of Ivanhoe Avenue more particularly described as follows: Commencing at the North-west angle of said Lot Number Fourteen; thence Easterly along the Northern limit of said Lot Number Fourteen, forty-seven feet eight inches; thence Southerly parallel to Monaghan Road to the Southern limit of said Lot Number Sixteen; thence Westerly along the Southern limit of said Lot Number Sixteen to the South-west angle thereof; thence Northerly along the Western limits of said Lots Numbers Sixteen, Fifteen and Fourteen to the place of beginning according to said Registered Plan Number Twenty-nine.

Thirdly: The Stewart Sub-division described as Lots A and B according to Registered Plan Number Twenty-nine for the North Monaghan Township.

Fourthly: The lands acquired from Hugh Stewart, Esq., for the Peterborough Civic Hospital and being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and the Province of Ontario and being composed of Lots Numbers Eight and Nine and that part of Lot Number Ten according to Registered Plan Number Twenty-three of said Township which lies to the South of the Westerly production of the Southerly limit of Weller Street in the City of Peterborough; which said parcel containing by admeasurement 43.25 acres be the same more or less is shown border in red on plan of survey made by John W. Pierce, Ontario Land Surveyor, and dated January 29th, 1946.

Together with a right-of-way, sixty-six feet in width, in common with others entitled thereto, over that part of the said lot Number Ten lying immediately to the North of the herein described parcel, extending from the Easterly to the Westerly limit of the said Lot, being the Westerly production of the said Weller Street in the City of Peterborough; which said right of way is shown coloured yellow on the said plan of survey.

Schedule "B"

Firstly: ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough, and being composed of Park Lots Numbers Ten and Eleven in Township Lot Number Thirteen in the Eleventh Concession of the Township of North Monaghan.

Secondly: Together with all those parts of the original road allowance, streets and highways between the Concessions, Township lots and Park lots situate within the areas hereinbefore defined, and between any of the said areas and the City of Peterborough.

CHAPTER 137.

An Act respecting St. Jerome's College.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble. WHEREAS St. Jerome's College by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, and that it received its present name and powers by an Act entitled *An Act respecting the Corporation of the College of St. Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903; whereas the petitioner has prayed for special legislation to amend its powers with respect to the holding of property, the investment of assets and the execution of documents; whereas for convenience it is desired to consolidate the special legislation of the corporation; and whereas it is expedient to grant the prayer of the said petition;

1866, c. 134.

1903, c. 133.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporation continued. **1.**—(1) F. Michael Weiler, Roman Anthony Hinsperger, Simon J. Winter, Michael I. Kieffer and John H. Spielmacher, being the present members of St. Jerome's College, and their successors are hereby continued as a body corporate and politic under the name of St. Jerome's College, and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

Head office. (2) The head office of the corporation shall be at the City of Kitchener.

Seal. **2.** The corporation shall have power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to hold, etc., property.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal property and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose.

No power to expropriate land.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.*

Rev. Stat., c. 147.

Investment of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of the disposition of any property referred to in section 4 in any public securities of the Province of Ontario, mortgages or other trustee securities and may invest any other assets of the corporation in such securities as the board may determine.

General powers.

6. The corporation may maintain, administer, conduct and develop an institution of learning in the County of Waterloo and may erect such buildings and provide such facilities as may be deemed necessary to carry out the objects of the corporation; provided that the corporation shall not confer degrees except through an affiliation with another institution of learning empowered to confer degrees in the Province of Ontario.

Proviso.

Board of directors.

7.—(1) All the affairs and business of the corporation shall be managed by a board of directors composed of five persons and the persons named in section 1 shall be the directors and shall hold office subject to this Act and the by-laws of the corporation.

Quorum.

(2) Three members of the board shall constitute a quorum and all matters shall be decided by the vote of the majority

of the directors then present, provided that in the event of a tie the president shall have an extra or casting vote. Proviso.

(3) In case any member of the board shall die or resign his office or shall remove from the Province of Ontario, or be dismissed from office by a vote of the majority of the board then present, the remaining members shall at a meeting of the board to be held within six months of such death, resignation, removal or dismissal elect some other person to fill the vacancy so created and in case the remaining members neglect to appoint some person to fill such vacancy then the Superior-General of the Order of the Resurrection may in writing nominate and appoint a member of the said Order to fill such vacancy, provided that the neglect of the remaining members of the board to fill any vacancy shall not render the acts or contracts of the board invalid or affect the rights, powers, privileges and the obligations of the corporation so long as a quorum of the board remains in office and the acts of the majority of the remaining members shall be valid and binding upon the corporation. Vacancies. Proviso.

(4) The members of the board shall hold office at their pleasure, subject however to the by-laws of the corporation. Term of office of directors.

8.—(1) The officers of the corporation shall be the president and the secretary, who shall be members of the board of directors. Officers.

(2) The president shall be elected by the directors of the corporation to hold office at the will of the directors or for any period of time provided for by the by-laws of the corporation, and he shall be the senior officer of the corporation and shall have charge of all the ordinary business of the corporation. President.

(3) The secretary shall be elected by the directors of the corporation to hold office at the will of the directors or for any period of time provided for by the by-laws of the corporation, and he shall have charge of the current outlays and expenses and the current revenue of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the president. Secretary.

9. The corporation may from time to time borrow money for the purposes of the corporation and hypothecate therefor all or any assets of the corporation. Power to borrow.

10. Every deed, mortgage, lease, conveyance, contract, agreement or other instrument in writing shall be duly executed by the corporation when the seal of the corporation is affixed thereto, attested by the hand of the president and secretary or any director of the corporation. Execution of documents.

Board may delegate powers.

11. The board may, by a writing in specific terms, signed by each of its members, delegate any of its powers and thereafter cancel such delegation and thereafter re-delegate and re-cancel as may be required from time to time.

Power to make by-laws, etc.

12. The board shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to law, as shall be deemed useful or necessary for the corporation and the conduct and administration of its affairs.

Present by-laws, etc., to continue.

13. The by-laws, rules, orders and regulations of the corporation now in force shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

Power to employ agents, servants, etc.

14. The board shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, professors, other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper.

Conflict.

15. In the event of conflict between the Act entitled *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, and the Act entitled *An Act respecting the Corporation of the College of Saint Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903, and this Act, the provisions of this Act shall prevail.

Short title.

16. This Act may be cited as *The St. Jerome's College Act, 1947*.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 138.

An Act to establish The St. Marys High School District.

Assented to March 31st, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of St. Marys by its petition has prayed for special legislation to establish a high school district of the area comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex; and whereas the said Townships have by resolution agreed, subject to the approval of the respective county councils, to become part of the said high school district; and whereas the councils of the Counties of Perth, Oxford and Middlesex by resolution approve the request; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

St. Marys High School District established.

1. On and after the 1st day of January, 1947, the area comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex, described in greater detail in schedule A hereto, shall be a high school district to be known as The St. Marys High School District.

Board,—composition of.

2. The Board shall be composed of appointed representatives, two by the Town of St. Marys, two by the Township of Blanshard, one by the Township of Downie, one by the Township of Fullarton, one by the Township of East Nissouri, one by the Township of West Nissouri, one by the St. Marys Public School Board and one by the St. Marys Separate School Board, making its membership ten in all.

Enlargement of District.

3. Subject to the approval of the Board expressed by resolution, any municipality or part of a municipality may join The St. Marys High School District by passing a resolution so requesting and filing a certified copy thereof with the Board together with a certified copy of the resolution containing the approval of the county concerned, whereupon such municipality or part thereof shall become part of the District and be entitled to appoint one representative to the Board, thus increasing its membership.

Transfer of assets and liabilities.

4. The assets of The St. Marys Collegiate Institute Board shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the Board of The St. Marys High School District.

Rev. Stat., c. 360 to apply.

5. Except as provided otherwise in this Act, *The High Schools Act* shall apply to The St. Marys High School District.

Commencement of Act,— retrospective effect.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into effect on the 1st day of January, 1947.

Short title.

7. This Act may be cited as *The St. Marys High School District Act, 1947.*

SCHEDULE A

DETAILED DESCRIPTION OF AREA COMPRISING ST. MARYS HIGH SCHOOL DISTRICT

The St. Marys High School District shall include the area of all of the Town of St. Marys, all of the Township of Blanshard, all that part of the Township of Downie south of the road between the 9th and 10th Concessions in the square part of the Township, and all that part of the Gore of Downie west of and including the East Oxford Road Concession and in addition Lots 14, 15, 16 and 17 in the 10th and 11th Concessions of the Gore of Downie, all that part of the Township of Fullarton, being Lots 1, 2 and 3 in Concession 10, Lot 1 in Concession 11, Lots 20 to 30, inclusive, in Concession 18, Lots 18 to 30, inclusive, in Concession 17, Lots 19 to 31, inclusive, in the East Mitchell Road Concession, Lots 19 to 30, inclusive, in the West Mitchell Road Concession, Lots 14 and 15 in Concession 12, Lots 11 to 15, inclusive, in Concession 13, and Lots 10 to 15, inclusive, in Concession 14, all in the County of Perth, all that part of the Township of West Nissouri lying north of the northerly boundary of Lot 18 throughout the whole width of the Township, in the County of Middlesex, all that part of the Township of East Nissouri, being Lots 19 to 36, inclusive, throughout the whole width of the Township, in the County of Oxford.

CHAPTER 139.

An Act respecting the City of Sarnia.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble. WHEREAS the Corporation of the City of Sarnia by its petition has prayed for special legislation to amend *The City of Sarnia Act, 1925*, so that the time for voting at municipal elections in the said city shall be from 10 a.m. until 7 p.m. instead of from 9 a.m. until 6 p.m.; and whereas it is expedient to grant the prayer of the said petition; 1925, c. 103.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The City of Sarnia Act, 1925*, is repealed and the following substituted therefor: 1925, c. 103, s. 4, re-enacted.

4. Nomination meetings for members of the council, board of education, water commissioners, hydro-electric commissioners of the said corporation and other elective bodies, if any, shall be held on the Thursday that occurs eleven days prior to the first Monday in December of each year, and the polling, if any, for the said members, exclusive of advance polling under *The Municipal Act*, shall be held on the first Monday in December of each year, and the time for voting shall extend from ten o'clock in the forenoon until seven o'clock in the afternoon, provided that if in any year the day so fixed for nomination or polling falls on a holiday, such nomination or polling, as the case may be, shall be held on the next following day. Elections. Rev. Stat., c. 266. Proviso.

2. This Act may be cited as *The City of Sarnia Act, 1947*. Short title.

(NOTE: This Act became effective on the 1st day of June, 1947, pursuant to subsection 1 of section 21 of *The Statute Law Amendment Act, 1947*, which appears as chapter 101 of this volume.)

CHAPTER 140.

An Act respecting the Town of Simcoe.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Simcoe by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purchase of parts of Lots 1, 2, 14th Con. Windham Twp., confirmed.

1.—(1) The purchase by the Corporation of the Town of Simcoe of part of Lots Nos. 1 and 2 both of the 14th Concession of the Township of Windham in the County of Norfolk containing 90 acres of land more or less and more particularly described in Deed No. 195698 of the Norfolk Registry Office is hereby ratified and confirmed and the title to the said lands vested in fee simple in the Corporation of the Town of Simcoe and the subsequent leasing of the same by the Department of National Defence and all dealings by the Corporation of the Town of Simcoe with His Majesty the King in right of Canada and with the Department of National Defence regarding the same are hereby declared to have been legal, valid and binding upon the said Corporation of the Town of Simcoe and the ratepayers thereof.

Power to sell, etc.

(2) The said Corporation shall have power to sell, lease, convey and contract in regard to the said lands and every part thereof and any sales, leases, conveyances and contracts heretofore made of any parts of such lands are hereby ratified, confirmed and declared to have been legal, valid and binding.

Purchase of buildings from War Assets Corp. Ltd. confirmed; debentures authorized.

2.—(1) The purchase by the Corporation of the Town of Simcoe from War Assets Corporation Limited of the buildings, plant and equipment erected and installed by the Department of National Defence on part of Lots Nos. 1 and 2 in the 14th Concession of the Township of Windham in the County of Norfolk more particularly described in Deed No. 195698 in the Norfolk Registry Office for the sum of $35,426 is hereby ratified and confirmed and the Corporation is hereby declared to have been legally entitled to effect the said purchase and the

said Corporation is hereby authorized and empowered, subject to the approval of the Ontario Municipal Board, to raise or borrow the said sum required for such purchase by the issuance and sale of debentures of the Corporation of the Town of Simcoe.

Power to sell buildings, etc.

(2) The Corporation of the Town of Simcoe is hereby authorized and empowered to sell, lease or otherwise dispose of the said buildings, plant and equipment, as the council of the Corporation may see fit, in accordance nevertheless with the conditions imposed by War Assets Corporation Limited regarding such sale, lease or disposition.

Market Square.

3. The Corporation of the Town of Simcoe is hereby declared to be the owner of the Market Square in said Town in fee simple free from all restrictions and limitations as to the user and disposal thereof, provided that its use shall not be changed until the electors assent to its use for other purposes.

Proviso.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Simcoe Act, 1947*.

CHAPTER 141.

An Act respecting the Sioux Lookout General Hospital.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Corporation of the Town of Sioux Lookout by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

General hospital.

1.—(1) The Corporation of the Town of Sioux Lookout is hereby authorized to operate and maintain a general hospital in the Town of Sioux Lookout and for such purposes to acquire such land or interest in land or other property and to acquire, erect, equip, furnish and maintain such buildings as it may from time to time consider necessary to properly carry out the efficient operation of a general hospital and to provide funds for such purposes by the issue, subject to the approval of the Ontario Municipal Board, of debentures of the Corporation of the Town of Sioux Lookout or by imposing rates on all the taxable property in the Town of Sioux Lookout.

Lease of hospital lands authorized.

(2) The said Corporation is hereby authorized to enter into a lease of the premises now occupied by the Sioux Lookout General Hospital with His Majesty in right of Canada, acting by the Honourable the Minister of Transport for such period of time at such rental and on such terms and conditions as may be approved by a majority of all the members of the council at a meeting thereof called for the purpose of considering such lease.

Hospital assets vested in Town Corporation.

(3) All the property and assets of the Sioux Lookout General Hospital shall, upon the passing of this Act, be vested in the Corporation of the Town of Sioux Lookout and the said Corporation shall pay and satisfy all lawful debts and liabilities of the Sioux Lookout General Hospital and the amount of such debts and liabilities shall forthwith after the passing of this Act be fixed and ascertained by the auditor of the said Corporation.

Board of governors.

2.—(1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of six governors constituted as follows: the mayor of the Corporation shall *ex officio* be a governor; one governor shall be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act;* and the remaining four governors shall be appointed by the council from the resident ratepayers of the Town.

Rev. Stat., c. 390.

Term of office.

(2) The governors shall remain in office until their successors are appointed when they shall cease to be governors unless re-appointed for such office.

Idem.

(3) The mayor shall cease to be a governor at the end of the year for which he was elected mayor or at such earlier date as he may cease to be a member of the council.

Idem.

(4) The term of office of the four governors appointed from the resident ratepayers of the Town shall, in the first instance, be regulated as follows: two of such governors shall hold office until the end of the first year after the year of their appointment; two of such governors shall hold office until the end of the second year after the year of their appointment, and the council of the Corporation shall, thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto, who shall hold office for a term of two years, and until his successor is appointed.

Time of appointment.

(5) The governors, other than those appointed to the first board shall be appointed in the month of January in each year in which an appointment is to be made.

Re-appointment.

(6) A governor whose term of office has expired shall be eligible for re-appointment.

Vacancies.

(7) Whenever, from any cause, the office of an appointed governor becomes vacant prior to the expiration of his term of office, the council shall without unnecessary delay appoint a successor so as to keep the membership of the board up to the full number of six, and the person so appointed shall hold office for the remainder of the term of the governor whose place he is appointed to fill.

Quorum.

(8) Four members shall constitute a quorum of the board.

Absence from meetings.

(9) Any member of the board appointed by the council who is absent from four successive regular meetings of the board shall cease to be a member of the board unless he has obtained leave of absence from the council.

Incorporation of board.

3. The board shall be a body corporate and politic under the name of "The Sioux Lookout General Hospital Board" and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects.

Powers of board.

4.—(1) The board shall have control over, and the custody of, all property, both real and personal, belonging to or used in connection with the hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding $1,000 at one time, when no longer required for the purposes of the hospital.

Idem.

(2) The board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose.

Proviso.

Staff salaries.

(3) Subject to subsection 2, the board shall have power to fix all salaries and wages to be paid to the medical and other superintendents and to their assistants and clerks and to all other officers and servants of the board.

Estimates.

5.—(1) The board shall on or before the 1st day of February in each year prepare and certify to the council for its consideration an estimate of the expenditures proposed to be made in connection with the hospital during the year.

Special annual rate.

(2) The council shall, in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the council.

Rev. Stat., c. 360, not affected.

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation of the Town from any liability under *The Public Hospitals Act.*

Disposition of monies.

6.—(1) All monies received by the board or by the superintendent of the hospital for the uses thereof, shall be deposited in a special account, to be kept in the name of the board in a chartered bank in the Town of Sioux Lookout.

Signing of cheques.

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the board may designate and appoint for that purpose.

Auditor.

(3) The auditor of the Corporation of the Town shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the council in the month of January in each year a report showing the receipts and expenditures made by or on behalf of, the hospital, during the preceding year, and the assets and liabilities of the hospital, and the auditor shall also report to the council upon any expenditures made by the board contrary to law or contrary to this Act, and he shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

Property vested in Town Corporation.

7. All real or personal property, now or hereafter acquired by the board shall be and is hereby vested in the Corporation of the Town of Sioux Lookout.

Acquisition of property.

8. The Corporation of the Town of Sioux Lookout and the board, respectively, shall be capable of receiving and taking from any government, Dominion or Provincial, or from any person or body corporate, by grant, gift, demise or otherwise, any land or interest in land without licence in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the board any land or interest in land, and any personal property, for such use, support or purpose.

Recovery of charges.

9. The board shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the board for treatment in the hospital, and in case of his death while in the hospital, his executor or administrator shall be liable for his burial expenses.

Hospital corporation dissolved.

10. The Sioux Lookout General Hospital, a corporation incorporated under *The Companies Act* by letters patent dated the 15th day of January, 1923, is hereby dissolved.

Commencement of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Sioux Lookout General Hospital Act, 1947.*

CHAPTER 142.

An Act respecting the City of Toronto.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

WHEREAS the Corporation of the City of Toronto by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between the Corporation of the City of Toronto, the Corporation of the Township of Toronto, the Corporation of the Township of Toronto Gore and the Corporation of the County of Peel dated 21st day of February, 1947, set out as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporations and the ratepayers thereof. City of Toronto, Township of Toronto, Township of Toronto Gore and County of Peel agreement validated.

2.—(1) The Corporation of the City of Toronto, to relieve the existing emergency in housing conditions, may,— Housing outside of Toronto authorized.

(*a*) construct, alter, repair, equip or maintain buildings on land owned, leased or otherwise acquired by the Corporation outside of the municipality to provide housing accommodation;

(*b*) enter into agreements with the Crown or any person for the construction, alteration, repair, equipment, maintenance or management of housing accommodation on land owned, leased or otherwise acquired by the Corporation outside of the municipality;

(*c*) provide, or enter into agreements with the Crown or any other person to provide, for the tenants of the said housing accommodation, anything that the Corporation or any local board may provide or is required to provide for persons resident within the municipality; and

(*d*) lease, sell or otherwise dispose of said housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

Consent.

(2) The provisions of subsection 1 shall not authorize the Corporation to provide housing accommodation or municipal services outside of the municipality except with the consent of the council of the municipality in which such housing accommodation or municipal services are to be provided.

Retroactive effect.

(3) Subsection 1 shall be deemed to have taken effect on the 1st day of November, 1945.

Sick pay credit grants.

3. A by-law of the Corporation for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, passed under section 5 of 1946, c. 142. *The City of Toronto Act (No. 2), 1946*, may provide that it shall have effect on any day named therein after the 12th day of December, 1943.

Municipal Board Order P.F. B-5964 confirmed.

4.—(1) Order P.F. B-5964 of the Ontario Municipal Board, dated the 21st day of February, 1947, annexing certain lands in the Township of East York to the City of Toronto, set out as schedule B hereto, is hereby confirmed.

Municipal Board Order P.F. B-6078 confirmed.

(2) Order P.F. B-6078 of the Ontario Municipal Board, dated the 3rd day of March, 1947, annexing certain lands in the Township of North York to the City of Toronto, set out as schedule C hereto, is hereby confirmed.

Effective date.

(3) The said Orders P.F. B-5964 and P.F. B-6078 shall be deemed to have taken effect on the 1st day of January, 1947.

St. Patrick's Market lands vested in the City in fee simple.

5. The lands described in schedule D hereto are hereby vested in fee simple in the Corporation of the City of Toronto, free from any trust, but subject to a right-of-way in favour of the owners or occupants of the lands abutting the easterly limit of the said lands, in, over, along and upon the easterly ten feet of the said lands described in schedule D, and subject to a right-of-way in favour of the owners or occupants of the lands abutting the westerly limit of the said lands, in, over, along and upon the westerly ten feet of the said lands described in schedule D.

Buildings and equipment in Exhibition Park.

6. The Corporation may construct, erect, maintain, replace or repair buildings, structures, plant and equipment in Exhibition Park, Toronto, for the purposes of the exhibitions held by the Canadian National Exhibition Association and the Royal Agricultural Winter Fair Association of Canada.

Establishment of "The Housing Authority of Toronto".

7.—(1) The council of the Corporation may by by-law establish a housing authority to be known as "The Housing Authority of Toronto", and may entrust to such housing authority the construction, maintenance, control, operation and management of any housing project as defined by *The Planning Act, 1946*, any emergency housing project, any low rental housing project, any slum clearance project, or any other housing project which the Corporation has undertaken or may undertake under its powers. 1946, c. 71.

Incorporation and members.

(2) The said housing authority shall be a public commission and a body politic and corporate and shall consist of not less than three nor more than five members, the majority of whom shall not be members of the said council, and each of whom shall be a resident and a ratepayer of the City of Toronto and shall be appointed by the said council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of the said council present and voting.

Term of office.

(3) The members so appointed shall hold office for three years and until their successors are appointed, provided that a member of the said council so appointed shall be deemed to have resigned therefrom when he ceases to be a member of council.

Vacancies.

(4) Where a vacancy in the said housing authority occurs from any cause, the council shall immediately appoint a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appointment of members.

(5) Any member of such housing authority shall be eligible for re-appointment on the expiration of his term of office.

Salary of members.

(6) The members of the said housing authority may be paid such salary or other remuneration as may be fixed by by-law of the council.

Rights and powers of City transferred to housing authority.

(7) Upon the passing of the by-law entrusting any such project to the said housing authority, all the powers, rights, authorities and privileges conferred on the said Corporation by any general or special Act with respect to the project named in the by-law shall be exercised by the said housing authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Particular powers of housing authority.

(8) The Housing Authority of Toronto shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

(*a*) To hold, lease or sell land and to construct, tear down, alter, repair, equip and maintain buildings for the purpose of carrying out any project entrusted to it.

(*b*) To make rules and regulations relating to the selection of tenants of housing accommodation controlled by it, and to make agreements with such tenants for the enforcement of such rules and regulations.

(*c*) To fix rentals having regard to the value of the accommodation and the ability of the tenant to pay at such amounts as may be considered reasonable to carry out the purpose of the project.

(*d*) To submit to the board of control an annual budget of its estimated revenues and expenditures and to make requisitions upon the said council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for such projects, and when money is so provided by the said council, the treasurer of the municipality shall, upon the certificate of the said housing authority, pay out such money.

Annual report.

(9) Immediately after the end of each year, the said housing authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Inspection of books.

(10) All the books, documents, transactions and accounts of the said housing authority shall, at all times, be open for inspection by the audit department of the said City.

Debentures.

(11) Notwithstanding anything herein contained, the powers, rights, authority or privilege of the council of the Corporation to raise money by the issue of debentures or otherwise for the carrying out of any of the said projects shall not be transferred to the said housing authority.

Abolition of housing authority.

(12) The council of the Corporation may by by-law abolish the said housing authority, and upon such by-law coming into force the housing authority shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the said Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

8. Section 18 of the Act entitled *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, is amended by striking out the symbol and figures "$4,000" in the second line and inserting in lieu thereof the symbol and figures "$6,000", so that the said section shall now read as follows: 1911, c. 119, s. 18, amended.

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding $6,000, as the Board may determine. Salary of members.

9. The Toronto Electric Commissioners, or any other public utility commission in Toronto which is exempt or partially exempt from taxation, may agree to pay for any municipal services rendered by the said Corporation. Public utility commissions authorized to pay for municipal services.

10. In accordance with subsection 7 of section 46 of *The Municipal Act* heretofore in force, the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and two aldermen for each ward. Council of City of Toronto. Rev. Stat., c. 266.

11. The council of the Corporation may pass by-laws for establishing and maintaining day-care centres where children are maintained and supervised during the day, or for granting money to aid in the establishment and maintenance of such day-care centres and for fixing the fee to be paid by the parents or guardians of children for such maintenance and supervision and for remitting or cancelling the fee payable in respect of any child. Day-care centres for children authorized.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

13. This Act may be cited as *The City of Toronto Act, 1947*. Short title.

SCHEDULE A

THIS AGREEMENT, made in quadruplicate this 21st day of February, 1947,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO, hereinafter called "Toronto Township",

OF THE SECOND PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE, hereinafter called "Toronto Gore",

OF THE THIRD PART

—and—

THE CORPORATION OF THE COUNTY OF PEEL, hereinafter called "the County",

OF THE FOURTH PART.

WHEREAS His Majesty the King in right of Canada has been using for the public purposes of Canada and is the owner of the following:

(*a*) the large frame building and lands used in connection therewith situate in the Township of Toronto, in the County of Peel and Province of Ontario near the Village of Malton known as "the Men's Staff House",

(*b*) the frame buildings known as "the North Camp" erected on that portion of the lands in said Township of Toronto near the said Village of Malton known as the Toronto-Malton Airport, lying to the south-east of the hangar site of Trans-Canada Air Lines, such last mentioned lands being owned by the City and at present leased to His Majesty the King in right of Canada,

(*c*) the large frame building and lands used in connection therewith situate on the north side of the Lakeshore Highway in the said Township of Toronto near the Village of Long Branch, known as "the Long Branch Staff House",

(*d*) the frame buildings and lands used in connection therewith situate on the south side of the said Lakeshore Highway in the said Township of Toronto a short distance west of the Long Branch Staff House, known as "the Long Branch Military Camp", and

(*e*) the large frame building and lands used in connection therewith situate in the Township of Toronto Gore in the said County of Peel near the said Village of Malton known as "the Women's Staff House"; and

WHEREAS the said Staff Houses and Camps are no longer required for the public purposes of Canada, and in order to assist in alleviating the existing serious shortage of housing accommodation within the municipality of the City of Toronto, His Majesty the King in right of Canada has granted the City the right to convert and use such Staff Houses and Camps for emergent housing accommodation purposes and the same have been or will be so converted and are now or will be occupied by tenants of the City, the tenants from time to time of the City occupying emergent housing accommodation in the said Staff Houses and Camps being hereinafter referred to as "the Tenants"; and

WHEREAS Toronto Township, Toronto Gore and the County, in view of the use of the said Staff Houses and Camps by the City for emergent

housing accommodation purposes, have requested the City to enter into and execute these presents, which as appears by Report No. 10 of the Committee on Public Welfare of the City (as adopted in Council on the 27th day of May, 1946), and by Report No. 3 of the Board of Control of the City (as adopted in Council on the 4th day of February, 1947), the City has agreed to do;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually convenant and agree as follows:—

1. The City shall,—

(*a*) in respect to each of the said Staff Houses and Camps from time to time and at all times during the period that tenants of the City occupy emergent housing accommodation in such Staff House or Camp, as the case may be,

(1) provide or cause to be provided and pay the cost of all water supply, sanitary drainage, storm water drainage, fire fighting and garbage and ash removal services necessary for the operation of such Staff House or Camp as emergent housing accommodation,

(2) provide or cause to be provided, without any cost whatsoever to Toronto Township, Toronto Gore and/or the County, all the school facilities necessary for the elementary and secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp,

(3) assume and pay the costs (or proportion of the costs, as the case may be) of all or any of the following, which Toronto Township, Toronto Gore and/or the County by statute shall be liable to pay in respect to each of the tenants of the City from time to time during such period, occupying emergent housing accommodation in such Staff House or Camp, and/or his or her dependents, that is to say:—

(i) hospitalization and burial expenses,

(ii) unemployment relief,

(iii) maintenance of children committed temporarily or permanently to the care and custody of a Children's Aid Society, and

(iv) maintenance and education of children admitted to a training school established under *The Training Schools Act, 1939*, as amended, and

(4) well and truly save, defend and keep harmless and fully indemnify Toronto Township, Toronto Gore and/or the County of, from and against all loss, costs, charges, damages and expenses whatsoever, which Toronto Township, Toronto Gore and/or the County from time to time during such period may lawfully bear, sustain, suffer, be at or be put unto for or by reason or on account of the elementary and/or secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp as the case may be and/or any of such children,

(*b*) pay to Toronto Township on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Men's Staff House, the North Camp, the Long Branch Staff House and the Long Branch Military Camp the sum of Three Hundred Dollars ($300.00), in lieu of all municipal taxes on such last mentioned Staff Houses and Camps for that year, such annual sum to be paid to the treasurer of Toronto Township at his office at Cooksville, Ontario, and the first of such annual payments to be for the year 1946 and to be paid on the execution and delivery of this Agreement, PROVIDED, that for the year in which the City ceases to use and occupy such Staff Houses and Camps for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Township only such portion of the said sum of Three Hundred Dollars ($300.00), as is

proportionate

proportionate to the part of such last mentioned year during which such Staff Houses and Camps are so used and occupied by the City,

(*c*) pay to Toronto Gore on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Women's Staff House the sum of One Hundred and Fifty Dollars ($150.00), in lieu of all municipal taxes on the Women's Staff House for that year, such annual sum to be paid to the Treasurer of Toronto Gore at his office at Malton, R.R. No. 3, and the first of such annual payments to be for the year 1946 and to be made on the execution and delivery of this agreement, PROVIDED, that for the year in which the City ceases to use and occupy the Women's Staff House for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Gore only such portion of the said sum of One Hundred and Fifty Dollars ($150.00), as is proportionate to the part of such last mentioned year during which the Women's Staff House is so used and occupied by the City,

(*d*) pay to the County all costs incurred and paid by the County in respect to all criminal trials instituted against the tenants and/or their dependents in the County Court Judges' Criminal Courts, courts of the General Sessions and Assize Courts held in the County of Peel; PROVIDED, HOWEVER, and it is hereby expressly so declared and agreed by and between the City and the County that such costs so to be paid by the City to the County shall in each and every case be reduced by the amount of the fine, if any, imposed upon the accused and collected by the County, and

(*e*) during the period that tenants of the City occupy emergent housing accommodation in the said Staff Houses and Camps—

(1) provide or pay for the services of a social service worker to assist the Superintendent of the Childrens' Aid Society for the County of Peel in the work required to be done by such Society for the tenants and/or their dependents during such period,

(2) pay to the County in each and every year during such period the proportion of the total maintenance costs of the Peel County Health Unit for that year, which bears the same ratio to such total maintenance costs as the total number of the tenants and their dependents for such year bears to the total population of the County of Peel for such year, such total number and total population to be those as shown on the last revised Assessment rolls of the several municipalities comprising the County of Peel and such annual payments to be made by the City forthwith upon receipt of accounts therefor, and

(3) endeavour to arrange for the provision by His Majesty the King in right of Ontario of such additional policing in the areas or any of them, in the County of Peel in which the said Staff Houses and Camps are situate as may be determined necessary by the Lieutenant-Governor in Council by reason of the use by the City of such Staff Houses and Camps for emergent housing accommodation purposes, and pay such share of the cost of any such additional policing as from time to time during such period shall be determined by the Attorney-General for Ontario as the share to be paid by the City.

2. That in consideration of the payments and indemnity by the City provided for in Clause 1 hereof, Toronto Township, Toronto Gore and the County shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the said Staff Houses and Camps, the tenants and/or the City during the periods respectively that tenants of the City occupy emergent housing accommodation in such Staff Houses and Camps; PROVIDED, HOWEVER, that nothing in this Clause contained shall be deemed to limit the rights of Toronto Township, Toronto Gore and/or the County to collect from the tenants and occupiers of the said Staff Houses and Camps during such respective periods any license or permit fee or dog tax or business tax which Toronto Township, Toronto Gore

and/or

and/or the County have or has the right to collect from inhabitants of the municipalities of the Township of Toronto, the Township of Toronto Gore or the County of Peel, as the case may be.

3. That the liability of the City provided for in Clause 1 (*a*) (3) hereof shall continue in respect to each of the tenants and/or his or her dependents from the time that such tenant ceases to be one of the tenants until such tenant establishes legal residence in a municipality other than the County of Peel or resides in the municipality of the County of Peel a sufficient length of time (exclusive of the duration of the residence of such tenant in such County as a tenant of the City in the said Staff Houses or Camps), to establish legal residence in such County, whichever shall first occur, it being agreed by and between the parties hereto that the words "legal residence" as used in this Clause shall mean that residence in a municipality specified by statute as being requisite to impose on such last mentioned municipality liability for the costs or proportion of costs referred to in Clause 1 (*a*) (3) hereof.

4. That so long as tenants of the City occupy emergent housing accommodation in the Men's Staff House and the Long Branch Staff House, Toronto Township will not require Wartime Housing Limited as agent of His Majesty the King in right of Canada to remove such Staff Houses from the municipality of the Township of Toronto, any agreement between Wartime Housing Limited as such agent and Toronto Township to the contrary notwithstanding.

5. That notwithstanding the provisions of Clause No. 5 of an existing Agreement, made between Wartime Housing Limited (acting therein as agent of His Majesty the King in right of Canada) and Toronto Gore, dated the 1st day of January, 1943, Toronto Gore will not require Wartime Housing Limited to remove the Women's Staff House from the municipality of the Township of Toronto Gore so long as tenants of the City occupy emergent housing accommodation in the Women's Staff House.

6. That all books, documents, transactions and accounts of Toronto Township, Toronto Gore and the County in respect to the payments and indemnity by the City provided for in Clauses 1 and 3 hereof shall at all times be open for inspection by the Audit Department of the City.

7. This agreement shall not come into force and effect until the same has been validated and confirmed by an Act of the Legislature of the Province of Ontario and upon such validation and confirmation this agreement shall be effective as of the 1st day of November, 1945.

8. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation effective as of the 1st day of November, 1945, validating and confirming this agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Authorized by Report No. 10 of the Committee on Public Welfare, adopted in Council on the 27th day of May, 1946, and by Report No. 3 of the Board of Control, adopted in Council on the 4th day of February, 1947.

"J. W. SOMERS"
City Clerk.

THE CORPORATION OF THE CITY OF TORONTO

"ROBERT H. SAUNDERS"
Mayor
(Seal)

"G. A. LASCELLES"
Treasurer

THE CORPORATION OF THE TOWNSHIP OF TORONTO

"J. N. DAVIS"
Reeve.
(Seal)

"J. H. PINCHIN"
Clerk.

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE

"R. I. WILSON"
Reeve.
(Seal)

"JOHN J. JULIAN"
Clerk.

THE CORPORATION OF THE COUNTY OF PEEL

"J. N. DAVIS"
Warden.
(Seal)

"DAVID WILSON"
Clerk.

SCHEDULE B

P.F. B-5964

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-first day of February, 1947.

BEFORE:
R. S. COLTER, Esq., K.C., Chairman,
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman,
W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) as amended by Section 2, Chapter 30 (R.S.O. 1939) and

IN THE MATTER OF an Application by the Corporation of the City of Toronto for an order of the Board annexing to the said City a portion of the Township of East York adjoining the east City limits, southerly from Moore Avenue, as provided by By-law No. 16721.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Monday, the 10th day of February, 1947, and again on this day on adjournment, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of East York, Counsel for a number of interested property owners and residents of the Township of East York, a number of such property owners and residents appearing in person, this Board having heard read the affidavit proving due service and publication of the notice of hearing, according to the directions of the Board, and the other material filed, including By-law No. 16721 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid and the aforesaid property owners and residents,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

(1) That that part of the Township of East York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.

(2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.

(3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.

(4) That the lands hereby annexed shall form part of Ward 2 of the City of Toronto.

(Seal) (Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER No. B-5964

ALL AND SINGULAR that certain parcel or tract of land being that part of the Township of East York described as follows:

Commencing at the intersection of the easterly limit of part of the City of Toronto as established by Ontario Proclamation dated November 15, 1905, and being the westerly limit of the Belt Line Railway Right-of-Way as shown on a plan registered as No. 1039 in the Registry Office for the County of York with the northerly limit of Park Drive as established by By-law No. 1183 in the Township of York; thence northerly in a straight line two hundred and sixty-seven feet (267′) more or less to a point in the easterly limit of the said Belt Line Railway Right-of-Way distant two hundred and fifty-four feet (254′) measured northerly thereon from the easterly production of that part of the northerly limit of Park Drive lying to the west of the said right-of-way; thence northerly following the easterly limit of the Belt Line Right-of-Way four hundred and twelve feet (412′); thence still northerly in a straight line one thousand and thirty-five feet (1,035′) more or less to a point in the centre line of the allowance for road between Lots 13 and 18 in the 2nd Concession from the Bay in the Township of York known as Bayview Avenue distant one thousand four hundred and thirty-one feet (1,431′) measured southerly thereon from the production easterly of the southerly limit of Douglas Drive as shown on a plan registered in the Registry Office for the City of Toronto as No. E-400; thence northerly along the said centre line nine hundred and eighty-three feet (983′) more or less to a point therein distant the perpendicular distance of fifty feet (50′) measured easterly from the easterly limit of the said Belt Line Right-of-Way; thence northerly and north-westerly keeping always at the said distance of fifty feet (50′) from the said easterly limit one thousand five hundred and fifty-five feet (1,555′) more or less to the westerly limit of Bayview Avenue as aforesaid; thence north-westerly in a straight line three hundred and seventy-six feet (376′) more or less to a point in the southerly limit of the right-of-way of the Ontario and Quebec division of the Canadian Pacific Railway distant twenty-five feet (25′) measured north-easterly thereon from the north-easterly limit of the said Belt Line Railway Right-of-Way; thence northerly across the right-of-way of the Canadian Pacific Railway to a point in the north-westerly limit thereof distant seventy-five feet (75′) measured north-easterly thereon from the said north-easterly limit of the Belt Line Railway Right-of-Way; thence north-westerly keeping always at the perpendicular distance of seventy-five feet (75′) from the said north-easterly limit three hundred feet (300′); thence in a straight line three hundred and four feet (304′) more or less to a point in the south limit of the lands described in Instrument No. 22946 East York which said point is at the perpendicular distance of fifty feet (50′) measured north-easterly from the north-easterly limit of the said Belt Line Right-of-Way; thence north-westerly keeping always at the perpendicular distance of fifty feet (50′) from the said north-easterly limit five hundred and eighty feet (580′) to a point in the northerly limit of Lot 13 according to a plan filed in the Office of Land Titles at Toronto as M-363; thence continuing north-westerly in a straight line four hundred and forty-five feet (445′) more or less to the south-westerly limit of the westerly part of Lot No. 2, Plan M-363; thence following that limit and along the south-westerly limit of the easterly part of Lot No. 1, Plan M-363 in all a distance of one hundred feet (100′); thence north-westerly in a straight line one hundred feet (100′) more or less to a point in the easterly limit of the Belt Line Railway distant one hundred and ninety feet (190′) measured southerly thereon from the southerly limit of Heath Street; thence northerly along the easterly limit of the Belt Line Railway nine hundred and ninety-five feet (995′) more or less to the easterly limit of Lot No. 526, Plan 1042 York; thence northerly along that limit and its northerly production one hundred and twenty-five feet (125′) to the centre line of Moore Avenue being the southerly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated June 27th, 1914; thence westerly following the said southerly limit of the City of Toronto two hundred and sixty-three feet (263′) more or less to the easterly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated November 19th, 1912; thence south-easterly and southerly following the easterly limit of the City of Toronto to the place of beginning.

SCHEDULE C

P.F. B-6078

THE ONTARIO MUNICIPAL BOARD

Monday, the Third day of March, 1947.

BEFORE:
R. S. COLTER, Esq., K.C., Chairman,

W. P. NEAR, Esq., B.A.Sc., Vice-Chairman,

W. J. MOORE, Esq., O.L.S., Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), and

IN THE MATTER OF an Application by the Corporation of the City of Toronto for annexation thereto of that portion of the Township of North York lying on the north side of Eglinton Avenue between Bayview Avenue and east City limits, more particularly described as being composed of Block A, Registered Plan No. 1209 for the County of York, which said parcel has been transferred to the Office of Land Titles at Toronto and filed therein as Parcel Number 1008, East Section, York.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Thursday, the 27th day of February, 1947, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of North York and Counsel for the Corporation of the County of York, this Board having heard read the affidavit proving due service and publication of the notice of hearing according to the directions of the Board, and the other material filed, including By-law No. 16848 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid, the Board was pleased to reserve its decision until this day when,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

(1) That that part of the Township of North York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.

(2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.

(3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.

(4) That the lands hereby annexed shall form part of Ward 9 of the City of Toronto.

(Signed) R. S. COLTER,
Chairman.

(Seal)

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER NO. B-6078

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York and Province of Ontario, being composed of Block A, according to a plan filed in the Registry Office for the said County, as No. 1209, which said parcel has been transferred to the Office of Land Titles, at Toronto, and filed therein as Parcel No. 1008, East Section York.

SCHEDULE D

ST. PATRICK'S MARKET SITE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of Park Lot No. 13, in the First Concession from the Bay, in the Township of York (more particularly known as Lots Nos. 11, 12 and part of Lot No. 13, and part of the reservation between the rear of the lots on the east side of John Street and those on the west side of McCaul Street according to an unregistered Plan known as the Boulton Plan), the boundaries of which said parcel are described as follows:

PREMISING that the easterly limit of John Street hereinafter referred to has a bearing on North Sixteen degrees West (N. 16 W.) and governs bearings herein then,

Commencing at a point in the northerly limit of Queen Street West where the same is intersected by the production southerly of the easterly face of the easterly wall of the brick building situate on land immediately to the west of the southerly part of the herein described parcel of land and known in 1939 as No. 240 Queen Street West, the said point of intersection being distant one hundred and fifteen feet and two inches (115′ 2″) measured easterly along the said northerly limit of Queen Street West from the easterly limit of John Street; thence North sixteen degrees eleven minutes West (N. 16° 11′ W.) three hundred feet (300′); thence easterly, parallel to the northerly limit of Queen Street West ninety feet (90′); thence South sixteen degrees eleven minutes East (S. 16° 11′ E.) three hundred feet (300′) to the northerly limit of Queen Street West aforesaid; thence westerly, along the last mentioned limit ninety feet (90′) to the point of commencement.

CHAPTER 143.

An Act respecting the Town of Waterloo.

Assented to April 3rd, 1947.
Session Prorogued October 30th, 1947.

Preamble.

WHEREAS the Town by its petition has represented that its population is now upward of 10,000 and is increasing rapidly, that it is the centre of a prosperous agricultural district, that it has many large manufactories located within its limits and that it is an important insurance centre containing the head offices of large insurance companies; whereas many of the business men, manufacturers, residents and the Board of Trade of the Town have urged the council thereof to apply to have the Town erected into a city; whereas the said council on the 9th day of December, 1946, did submit for the opinion of the electors of the Town the question "Are you in favour of applying to the Ontario Legislature for legislation to incorporate Waterloo as a City?" when of the 2,836 electors voting on the question 2,673 voted in the affirmative and 163 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

"City";

(*a*) "City" shall mean the City of Waterloo or the Corporation of the City of Waterloo as the context requires; and

"Town".

(*b*) "Town" shall mean the Town of Waterloo or the Corporation of the Town of Waterloo as the context requires.

City of Waterloo erected.

2. The Town is hereby erected into a city under the name of "The City of Waterloo" and the corporation known as "The Corporation of the Town of Waterloo" is hereby continued under the name of "The Corporation of the City of Waterloo".

Powers, etc.
Rev. Stat., c. 266.

3. The City shall have all the rights, powers and privileges enjoyed and exercised by a city erected under *The Municipal Act*.

Relationship with County.

4. The City shall be united to and form part of the County of Waterloo for judicial purposes but shall not form part of the said County for municipal purposes.

Wards.

5. The City shall be divided in the same manner as the Town is divided, namely, into four wards, East Ward, West Ward, North Ward and South Ward, and the boundaries of the wards shall continue as they are, unless hereafter changed under *The Municipal Act*.

Council.

6.—(1) The council of the City shall consist of a mayor and eight aldermen elected by general vote, unless hereafter changed under *The Municipal Act*.

1948 election.

(2) The meeting for the nomination of candidates for the council of the City for the year 1948 and the election of the members thereof and all proceedings incidental thereto shall be had in the same manner as is provided by the by-laws of the Town, and the clerk of the Town shall be the returning officer to perform the duties of a returning officer as prescribed by *The Municipal Act*, and in the event of any matter arising not provided for by the said by-laws the provisions of *The Municipal Act* shall apply.

Other elections.

(3) Save as provided in subsection 2, the proceedings with respect to all elections to fill the offices of mayor and aldermen of the City and all other elections, if any, shall be held under and in accordance with *The Municipal Act*.

Application of Rev. Stat., c. 266.

7. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and all other provisions of the said Act applicable to cities except as varied by this Act shall apply to the City in the same manner as if the Town had been erected into the City under the said Act.

Powers of Ontario Municipal Board.

8. Upon the application of the City the Ontario Municipal Board may make such orders not inconsistent with this Act as the Board may deem necessary or advisable consequent upon the erection of the Town into the City.

Commencement of Act.

9. This Act shall come into force on the 1st day of January, 1948, but the proceedings with respect to the election of the members of the council of the City for the year 1948 shall be

taken in the year 1947 in the same manner as if this Act had come into force on the day upon which it received the Royal Assent.

10. This Act may be cited as *The City of Waterloo Act, 1947*. Short title.

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Third Session, Twenty-Second Legislature

11 George VI, 1947

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